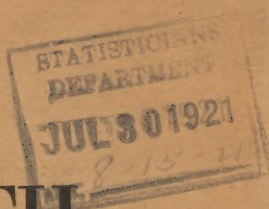


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PUBLIC HEALTH

AND

MEDICAL LAWS

OF

ALABAMA

(REVISED TO DATE)

1920

Presented to the
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REPRINT
OF THE
PUBLIC HEALTH
AND
MEDICAL LAWS
OF
ALABAMA



(COPIED FROM THE CODE OF 1907 AND AMENDMENTS THERETO)

1920

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1920

REPRINT
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PUBLIC HEALTH
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ALABAMA



REPRODUCED FROM THE CODE OF THE STATE OF ALABAMA

1920

THE GREAT SEAL OF THE STATE OF ALABAMA
1801

PREFACE

The State of Alabama has been magnanimous in a legislative way to her medical profession. Perhaps in no other government of the world has a life spirit of confidence in, and generosity to, her medical men been crystallized into law.

In support of this declaration the following examples are given:

1. The State has wholly and entirely entrusted to her organized medical men the right of deciding who shall be admitted to their ranks, thus enabling them to elevate the standard of qualification of the practitioners of medicine in the State to such plane as they may desire, thereby protecting the people against the evils of ignorance, quackery, and dishonesty.

2. She has provided that her health boards—State and County—shall consist of medical men exclusively, and endowed these boards with the important legal function of administering the health laws and regulations of the State, the counties, and the incorporated cities and towns.

3. She has confided to the organized profession the right of naming all medical health officials—State, county, and city—and by so doing has not only placed the selection of these officials in the hands of those most competent to judge as to their fitness, but has thereby widely divorced her public health system from politics and from commercial influence.

4. She has provided her medical men, not only with the privilege, but with the right of practically applying through their organized bodies, state and county, whatever of sanitary knowledge they may acquire to the prevention of disease and to the protection of the health and lives of the people.

Naturally, in conceding so much of privilege and power to the profession, the State had the right to impose, and did impose, on its members corresponding duties and obligations.

With the view of rendering it convenient for every member of the profession to inform himself fully and

accurately as to what these duties and obligations are, all laws appertaining thereto will be found in this pamphlet, a copy of which can be had on application.

To clearly understand the laws herein contained one must first thoroughly understand the system of medical organization in the State. This knowledge can be obtained in no other way than by reading with *great care* the Constitution and By-Laws of the State Medical Association, and also the Constitution and By-Laws of some one of the county societies, all being practically uniform.

When entire familiarity with the principles and details embodied in these two documents has been acquired, then, the coherency and practical applicability of all the statutes herein contained will become clearly apparent.

It is hoped that every member of the profession in the State will avail himself of the opportunity which this pamphlet affords of getting full information as to the medical laws of the State. When that has been done, and in the way suggested, the close co-ordination between the scheme of organization of the profession and the public health system and laws of the State will be obvious. Then, every member of the profession in the State will know his duty, and, knowing, should stand ready to discharge it faithfully and conscientiously.

One more suggestion. All to whom this pamphlet is sent are urged *not* to mislay it, but to put it away carefully, as frequent occasion should arise to consult it.

NOTE: The above preface is reproduced from the 1916 reprints of the Medical Laws of Alabama. It was written by Dr. W. H. Sanders, my distinguished predecessor. It is as applicable to the conditions today as when written, and I commend it to the careful consideration, not only of the medical profession, but of all persons who are interested in the great work of preventing disease and prolonging human life.

S. W. WELCH,
State Health Officer.

SPECIAL PENAL STATUTES

Code of Alabama 1907

Vol. 3

7073. Any person violating any of the provisions of article 1 of chapter 22 of this Code, relating to the health laws, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than one hundred dollars, unless otherwise expressly provided for.

Penalty for violating health and quarantine laws.

7058. Any person who violates any of the health, or quarantine laws, except those for which a special penalty is prescribed, shall be guilty of a misdemeanor, and, on conviction, shall be punished as provided for in section 7622 of the Criminal Code.

To punish violation of health laws.

7622. Any person who commits a public offense, which is a misdemeanor at common law, or by statute, and the punishment of which is not particularly specified in this Code, must, on conviction, be fined not more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

Misdemeanor for which no special punishment has been provided.

HEALTH LAWS

Code of Alabama 1907, Vol. 1,

As Amended by Act of the Legislature, No. 658,
Approved September 29, 1919

CHAPTER 22.

ARTICLE I.

698. The Medical Association of the State of Alabama, as constituted under the laws now in force, or which hereafter may be in force, is the State board of health. The State board of censors, of said association, as said board of censors is or hereafter may be constituted under the laws now in force or which hereafter may be in force and under the constitution of said association, as said constitution now exists or may hereafter exist, is, and when acting as such, shall be known as the State committee of public health; and the governor of the State of Alabama shall be a member and ex officio chairman of said State committee of public health.

State board of health; state committee of public health; how constituted.

699. When the State board of health is not in session said State committee of public health shall act for said board and have and discharge all the prerogatives and duties of said board, including the adoption and promulgation of rules and regulations provided for in this act. When said committee is not in session the State health officer shall act for said board and said committee and shall report to the said board and said committee at its regular meeting his actions, and said board or said committee may at any time revoke any action of said health officer.

State board of health; how represented.

Section 700. The boards of censors of county medical societies in affiliation with the medical association of the State of Alabama, and organized in accordance with the provisions of its constitution as it now or may hereafter exist, are hereby constituted, and when acting as such shall be known as, county boards of health of their respective counties, including all incorporated municipalities therein, and shall be under the general supervision

County boards of health; how constituted.

and control of the State board of health. Whenever the name "county committee of public health" or other name or expression referring to the county committee of public health, as such, now occurs in the Code of Alabama, this act or any other statute law of the State of Alabama, or in the Constitution of the Medical Association of the State of Alabama, or in the constitution of the medical society of a county in the State of Alabama in affiliation with the medical association of the State of Alabama, said name or expression shall hereafter be read and understood and construed to mean the county board of health herein provided for; and the chairman of the board of revenue, and the presiding officer of the courts of county commissioners, or other like county governing boards, shall be a member of the county board of health in his county, respectively.

State and
county boards
in sole control
of public
health.

701 (2433) (1286) (1543). No local board of health or other executive body for the exercise of public health functions, other than the county board of health, shall be established or exist in any county or municipality. Nor shall any municipality have a municipal health officer or other like officer. Nor shall any board, body or organization, or any official or person acting or claiming to act under any Federal authority, or acting without claim of Federal or State authority, engage in any public health work except under the supervision and control of the State board of health; provided, however that such control of the State board of health shall not be required in the case of, nor shall the inhibition of this section apply to, organizations affiliated with the Anti-Tuberculosis League of the State of Alabama, nor to any similar organization operating under the direction of the National Tuberculosis Association.

State board of
health; au-
thority and
jurisdiction.

702. The State board of health shall have authority and jurisdiction—(1) To exercise general control over the enforcement of the laws relating to public health.

Authority for
general con-
trol investi-
gation and
inspection.

(2) To investigate the causes, modes of propagation, and means of prevention, of diseases. (3) To investigate the influence of localities and employment on the health of the people. (4) To inspect all schools, hospitals, asylums, jails, alms houses, theatres, opera houses, court houses, churches, public halls, prisons, markets, dairies, milk depots, slaughter pens or houses, railroad depots,

railroad cars, street railroad cars, lines of railroads and street railroads (including the territory contiguous to said lines), industrial and manufacturing establishments, offices, stores, banks, club houses, hotels, rooming houses, residences, and other places of like character, and whenever insanitary conditions in any of these places, institutions, or establishments, or conditions prejudicial to health, or likely to become so, are found, proper steps shall be taken by the proper authorities to have such conditions corrected or abated.

(5) To examine the sources of supply, tanks, reservoirs, pumping stations and avenues of conveyance of drinking water, and whenever these waters are found polluted, or conditions are discovered likely to bring about their pollution, proper steps shall be taken by the proper authorities to improve or correct conditions.

(6) To adopt and promulgate rules and regulations providing proper methods and details for administering the health and sanitary laws of the State, which rules and regulations shall have the force and effect of law and shall be executed and enforced by the same courts, bodies, officials, agents and employees as in the case of health laws; and any person knowingly violating or failing or refusing to obey or comply with, any such rule or regulation shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of section 7073 of this Code; and if the violation or failure is a continuing one each day's violation or failure shall constitute a separate offense and be punishable accordingly.

Authority to adopt rules and regulations.

(7) To exercise supervision and control over county boards of health and over county health officers and county quarantine officers in the enforcement of the public health laws of the State in their respective counties and whenever any such county board of health, county health officer or county quarantine officer shall fail or refuse to discharge its or his duties said duties may be discharged by the State board of health until proper arrangements are made to insure their discharge by said county board of health or said county health officer or said county quarantine officer, as the case may be.

Supervision and control over county boards of health, etc.

(8) To act as an advisory board to the State in all medical matters and matters of sanitation and public health.

County boards
of health; au-
thority and
jurisdiction.

703. It shall be the duty of the county boards of health in their respective counties and subject to the supervision and control of the State board of health—

Authority to
adopt rules
and regula-
tions.

(1) To supervise the enforcement of the health laws of the State, including all ordinances or rules and regulations of municipalities or of county boards of health or of the State board of health; and to supervise the enforcement of the law for the collection of vital and mortality statistics; and to adopt and promulgate, if necessary, rules and regulations for administering the health laws of the State and the rules and regulations of the State board of health, which rules and regulations of the county boards of health shall have the force and effect of law and shall be executed and enforced by the same bodies, officials, agents and employees as in the case of health laws; and any person knowingly violating or failing or refusing to obey or comply with, any such rule or regulation shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of section 7073 of this Code; and if the violation or failure is a continuing one each day's violation or failure shall constitute a separate offense and be punishable accordingly.

(2) To investigate through county health officers or quarantine officers cases, or outbreaks, of any of the diseases enumerated or referred to in section 716 of this Code and to enforce such measures for the prevention, or extermination, of said diseases as are authorized by law.

(3) To investigate through county health officers or quarantine officers all nuisances to public health and through said officers to take proper steps for the abatement of such nuisances.

(4) To exercise through county health officers or quarantine officers special supervision over the sanitary conditions of schools, hospitals, asylums, jails, almshouses, theatres, opera houses, court houses, churches, public halls, prisons, markets, dairies, milk depots, slaughter pens or houses, railroad depots, railroad cars, street railroad cars, lines of railroads and street railroads, (including the territory contiguous to said lines), industrial and manufacturing establishments, offices, stores, banks, club houses, hotels, rooming houses, residences, the sources of supply, tanks, reservoirs, pumping stations,

and avenues of conveyance of drinking water, and other institutions and places of like character; and whenever insanitary conditions are found to use all legal means to have the same abated.

(5) To elect a county health officer, subject to the approval of the State committee of public health, who shall devote all of his time to the duties of his office, and to fix his term of office at not less than three years, in such counties of the State as shall, through its proper authorities, make appropriation for the payment of the salary of an all-time health officer, and provide him with an office and the expenses named in subsection 11 of section 706 of this act; and in the event any county or counties shall fail or refuse to make such appropriation, certain duties of an all-time health officer shall be done and performed by the quarantine officer hereinafter provided for.

Authority to
elect county
health officer.

No county health officer-elect shall assume office until his election shall have been approved by the State committee of public health, and if such committee refuses to approve his election, another county health officer shall be forthwith elected. The jurisdiction of such officer shall extend to all parts of the county, including all incorporated municipalities; and should the health officer so elected neglect or fail faithfully to perform any of the duties which are lawfully prescribed for him it shall be the duty of the State Health Officer to remove said county health officer from office; and when any county health officer shall be so removed he shall have the right to appeal to the State committee of public health, and when such appeal has been taken said committee shall investigate fully the causes for which he was removed from office. If six members of said committee vote to affirm the action of said State health officer then his action shall be affirmed; otherwise it shall be reversed.

Election of
county health
officer to be
approved by
state commit-
tee of public
health.

(6) Whenever two or more counties acting through their respective courts of county commissioners or boards of revenue, as the case may be, shall agree to appropriate proportionately from the funds of their respective counties a sufficient sum to pay the salaries of an all-time health officer and assistants and provide him with an office, supplies and expenses as provided in subsection II of section 706 of this act, then the county

Authority for
two or more
counties to
elect a district
health officer.

boards of health of these respective counties shall meet in joint session and elect an all-time health officer, and fix his term of office at not less than three years, who shall devote all of his time to the duties of his time to the duties of his office in the district for which he is elected. No all-time health officer elected under the authority of this subsection shall assume office until his election shall have been approved by the State committee on public health and if such committee refuses to approve his election, another district health officer shall forthwith be elected.

Jurisdiction of
district health
officer.

The jurisdiction of such officer shall extend to all parts of each county in the district, including all incorporated municipalities in the several counties composing such district; and he shall be subject to removal as provided in subsection 5 next preceding. The minimum salary of such district health officer shall be not less than \$2,400 per annum paid monthly out of the budget provided by the several counties composing said district.

State health
officer; elec-
tion, duties
and powers.

704. The State Board of Health shall elect an executive officer, to be known as the State Health Officer, and shall fix his term of office and salary, provided that the latter shall not exceed five thousand dollars per annum. The State Health Officer so elected shall, under the direction of the State Board of Health, exercise general supervision over the county boards of health and county and municipal health officers, and shall promptly report to said county boards of health any delinquencies of official duty on the part of said county and municipal health officers which may come to his knowledge; shall keep himself informed in regard to all infectious, contagious, and pestilential diseases, which may be in danger of invading the State, and shall, so far as authorized by law, take prompt measures to prevent such invasion; shall keep the Governor informed as to the health conditions prevailing in the State, especially as to outbreaks of any of the diseases enumerated in section 716 of this Code, and shall submit to the Governor such recommendations as he deems proper to control such outbreaks.

Annual report
of state board
of health.

705. The State Board of Health shall submit to the Governor an annual report of its transactions, in which report recommendations as to needed health legislation may be embodied, and the Governor shall order such num-

ber of copies of said report printed for distribution as he may deem proper.

706. Subdivision 1, subsection 1. The office of part-time county health officer is hereby abolished to take effect January 1st, 1920, and the county health officer elected as provided in section 703 of the Code as amended by this act shall devote all of his time to official work. He shall, under the direction of the State health officer and the county board of health have sole direction of all sanitary and public health work within the county, including incorporated municipalities, and shall employ for his assistants subject to the approval of the county board of health such number of physicians, nurses, clerks, inspectors, and other employees as are found necessary to accomplish the work. The salary of the health officer shall, within the limits of section 707 of the Code as amended herein, be fixed by the court of county commissioners or like board and shall be paid out of the budget which shall be provided by the county for the prosecution of public health work and sanitation. Each incorporated municipality having a population of 5,000 or more according to the last Federal Census, in counties which have provided for a health officer, shall provide a budget consisting of a sufficient sum of money properly to safeguard the public health and promote sanitation within the corporate limits of the municipality, and all municipalities may make appropriations especially for public health work. All assistants and employees of the county board of health shall be appointed by the county health officer subject to the approval of the county board of health and county board of revenue or board of like character. Employees whose functions are discharged solely in a municipality shall be approved by the city commission or like governing body of said municipality and not by the county board of revenue, or boards of like character. The county health officer shall have full and complete authority to remove from office any assistant or employee. It shall be the duty of the county health officer;

Authority and
duties of
county health
officer.

2. To exercise, subject to the advice of the committee of public health and in accordance with the health laws of the State, general supervision over the sanitary interests of the county, and should he discover any cause of disease, or the existence of any condition detrimental to

General super-
vision over
sanitary inter-
ests of county.

the health of the people, he shall, so far as authorized by law, compel the removal or abatement of the same, and should no authority for such removal or abatement exist, he shall report the fact to the county board of health, adding such recommendation as to special action as he may deem proper.

To make personal investigation of all cases of the reportable diseases.

3. To make personal and thorough investigation of the first case, or early cases, of any diseases suspected of being, or known to be, any one of those enumerated in section 716 of this Code that may come to his knowledge, or be reported to him, and should he decide such case, or cases, to be one of those enumerated in said section, and in imminent danger of spreading, he shall in accordance with the law institute immediate measures to prevent the spread of such disease and shall forthwith report the facts in writing to the judge of probate of the county, to the chairman of the committee of public health of the county board of health and to the State Health Officer.

To obtain vaccine virus.

4. To obtain as needed at the expense of the county a sufficient supply of vaccine virus, with which to vaccinate, without charge, all indigent persons of the county who may apply at his office, or at the offices of such physicians throughout the county as may be supplied with vaccine virus for the purpose of assisting him in the vaccination of such persons.

To visit county jail, convict camps, etc.

5. To visit the county jail, all convict camps where any county convicts are worked, and the county almshouse, at least once each month and to make careful investigation as respects the drinking water, the food, the clothing, and bedding supplied to the prisoners of the former and the inmates of the latter; also, as to the ventilation, air space, heating and bathing facilities, closets, drainage, etc., of these institutions, and when any of said supplies are found to be inadequate in quantity or deficient in quality, or any of said conditions unsanitary, it shall be the duty of the county health officer to make in writing a circumstantial report thereof to the judge of probate and court of county commissioners or other like board, whereupon, it shall be the duty of said judge of probate and court of county commissioners to carry out whatever recommendations are made by the county health officer as respects the county jail and county almshouse, and said health officer shall forward duplicates of his

reports to the county board of health and to the State Health Officer. He shall likewise visit the county court house and any other public building belonging to the county once each month and make investigations corresponding with those laid down in this section as applying to the jail and almshouse and should he find unsanitary conditions existing he shall report the same to the court of county commissioners or other like board, whereupon, it shall be the duty of said court of county commissioners to remedy the unsanitary conditions in accordance with the recommendations of the county health officer.

6. To make to the State Board of Health by or before the 10th day of each calendar month a full report, so far as the facts reach him, of all cases of infectious diseases and of all births and deaths, specifying the causes of the latter that occur in the county, including all municipalities therein, for the preceding month.

Monthly reports to state board of health.

7. To make to the judge of probate and court of county commissioners or other like board and to the county and State boards of health by or before the 1st day of March of each year an annual report of all public health and sanitary work done in the county during the preceding year, which report shall include the vital and mortuary statistics of the county and of all municipalities therein, together with such information, suggestions, and recommendation in regard to the protection of the health of the people as he may deem proper.

Annual reports to probate judge and commissioners.

8. To make to the State Health Officer prompt report of the presence in the county, so far as is reported to him, or as comes to his knowledge, of any of the diseases enumerated in section 716 of this Code, furnishing such information and at such intervals as the State Health officer may require.

Reports of cases of disease to state health officer.

9. To make to the county board of health such reports and at such time as said board may require.

10. To appear before the grand jury at each of its sittings and to report all violations of the health laws of the State, especially any failures on the part of the physicians of the county, including all municipalities therein, to report the births, deaths, and infectious diseases that occur in their practice;

Reports to the grand jury.

11. To authorize in writing a member of the county medical society acceptable to the county board of

County health officer to provide a substitute.

health to act for him in case of a contemplated absence from the county of such duration, or in case of a disability from any cause of such character, as would interfere with the discharge of his official duty, provided that such member accepts in writing such delegation of authority, and provided further that he shall notify the chairman of the county board of health and the State health officer of such arrangement and provided further that no county health officer shall absent himself from the county for a period longer than thirty days unless he first obtains the approval of the State health officer.

To attend all meetings of county board of health.

12. To be present at all meetings of the county board of health for the purpose of keeping that body fully informed as to the health conditions prevailing in the county and to likewise keep the court of county commissioners or other like board informed on such matters as said board may deem proper.

To attend conferences.

13. To attend all conferences of county and municipal health officers which may be called by the State Health Officer.

14. To discharge such other health functions as are, or may be required of him by law.

Section 8. That subdivision II of section 706, Code of Alabama, 1907, as amended by an act approved September 25, 1915, Acts 1915, page 786, be and the same is hereby repealed.

Duties of "all-time" health officers.

Subdivision III. It shall be the duty of all county health officers elected under the preceding subdivision II to devote all of their time to official work and to perform all of the duties above prescribed in this section, and in addition thereto the following:

1. To devote their entire time to the public health interests of the county and under no circumstances to engage in private practice.

Health officer to have an office in court house or nearby.

Subsection 2. To occupy an office in the court house of the county, to be assigned by the court of county commissioners or other like board, and in the event that an office in the court house is not available the said court or board may provide an office for him conveniently located with reference to the court house; and the court of county commissioners or other like board shall appropriate from the revenue of the county such sums as are found necessary to furnish and equip the office of the

county health officer with all necessary supplies, and furnish all necessary clerical help, transportation and other expenses of the county health officer, and shall appropriate from the revenues of the county money for the prosecution of public health work which has been recommended by the county health officer and indorsed by the county board of health and approved by said court of county commissioners or other like board.

3. To visit, so far as lies in their power, all cases of infectious or contagious diseases that occur in the county, for the purpose of seeing that all proper measures are enforced to prevent their spread, and to repeat these visits from time to time as may be necessary.

4. To make a special effort to locate all cases of tuberculosis and pellagra in the county, especially incipient cases, with a view of not only urging prompt treatment thereof but also the adoption of such precautions as are deemed necessary to protect others.

5. To inspect the schools of the county at least once annually with the view of seeing that they are supplied with pure drinking water and surrounded by sanitary conditions in all respects, especially to investigate whether or not said schools are equipped with sanitary closets; further, to examine the pupils of the schools at least once annually for the purpose of ascertaining any defects of sight or of hearing that may exist, or of ascertaining the presence of adenoids, enlarged tonsils, skin diseases, spinal curvature, hookworm disease, etc., that may interfere with progress in their studies, and whenever any of the above named diseases or defects are discovered the county health officer shall so notify the parents of the child affected.

6. To teach the proprietors of slaughter houses, dairies, grocery houses, hotels, lunch stands, etc., the importance of protecting all food products from dust and insects of every kind and to require the proper protection of food products by glass cases, screens, or other devices approved by the county board of health and to impress upon the people of the county the importance of similar protection in their own homes.

7. To teach the people of the county by lectures, newspaper articles and demonstrations the causes, modes of propagation, and of prevention of diseases, with special

To visit all cases of contagious disease.

To locate all cases of tuberculosis and pellagra.

To inspect the schools of the county.

Further duty of health officer.

Educational work throughout the county.

reference to the spread of disease by flies, mosquitoes, rats, fleas, ticks, and other vermin, also the importance of screening their houses against these purveyors of disease.

8. To teach the people of the county how to maintain sanitary conditions in and around their homes, especially how to supply themselves with pure drinking-water and pure milk, and also how to provide sanitary closets.

Reports.

9. To make such reports as may be required of them to the county board of health, to the court of county commissioners and to the State Health Officer, said reports to be made on such blanks and forms as may be prescribed by the State Board of Health.

To attend meetings of courts of county commissioners.

10. To attend meetings of the court of county commissioners or board of revenue from time to time, or whenever so requested, for the purpose of giving said court or board all desired information as respects the public health interests of the county.

Other duties.

11. To discharge such other health functions as are, or may be, required of him by law.

Salary of county health officer; how paid.

707. The salary of the county health officer shall be fixed by the court of county commissioners or other like governing board, but in no event shall the salary be fixed at a less amount than two hundred dollars per month, payable monthly from the county treasury as in the case of other salaries paid by the county; provided that nothing herein contained shall prevent said courts of county commissioners, or boards of revenue, from paying the health officer of their county such additional sum as salary as to them shall seem right and proper.

Bond of county health officer.

708. The health officer of a county shall enter into bond, with sufficient sureties, payable to the judge of probate of the county, in a sum equal to the amount of his salary, with condition for the faithful performance of all such duties as are or may be, required of him by law, provided that nothing in the preceding section shall be so construed as to prohibit the commissioners' courts or boards of revenue of the several counties of the State from paying the health officer of their respective counties a larger sum as salary than the minimum provided for in the preceding section, if in their judgment they deem it wise so to do.

709. The county health officer may, subject to the approval of the county board of health, appoint such assistant health officers if any, and so distribute them throughout the county (including municipalities), as he may consider necessary. Said county health officer may remove any assistant health officer so appointed.

Assistant county health officers shall be appointed.

710. There shall be in each county having no health officer a county quarantine officer who shall be appointed by the State committee of public health on the recommendation of the county board of health whose tenure of office shall expire on the election of a county health officer, provided that in no event shall his term of office extend more than three years from the date of his appointment, and provided further that the State committee of public health shall have power to remove a quarantine officer at any time when in its judgment the public good requires such removal. The salary of the county quarantine officer shall be fixed at not exceeding twenty-five dollars per month by the court of county commissioners or other like board and shall be paid in monthly installments from the county treasury as in the case of other salaries paid by the county. The county quarantine officer shall, under the supervision and control of the State health officer and the county board of health, perform all the duties in connection with the isolation and quarantine of cases of infectious and contagious diseases that are required of county health officers in counties having county health officers.

County quarantine officer; how appointed, salary, etc.

711. Subdivision 1. It shall be unlawful for any person, other than a regularly licensed physician, to practice as a midwife without first making written application for and receiving a certificate of approval from the county board of health. The term "midwife" shall be construed to include any person, other than a regularly licensed physician, who shall attend, or who shall bargain, contract or agree to attend, any woman at or during childbirth.

Midwifery; regulations of.

2. No permit shall be issued by a county board of health to any person to practice as a midwife, unless such person shall present to the said board of health satisfactory evidence of having or possessing sufficient knowledge and skill in the art of midwifery, and

Licensing of Midwives.

that such person is free from a communicable disease and of good moral character.

3. County boards of health shall from time to time upon application made in such form as may be prescribed by the State board of health and in such manner as said State board of health may determine, either by a schedule of questions to be answered and subscribed, or orally, examine each person of good moral character and temperate habits who desires to engage in the practice of midwifery, as to his or her qualifications and knowledge of the art, and if a majority of the county board of health shall be satisfied that such person is competent to engage in the practice of midwifery, said board shall enter the name of such person as a registered midwife in a book provided for that purpose, and shall issue to such person a certificate of approval to be signed by the chairman of said board and countersigned by the county health officer.

Registration
of births and
deaths.

State board of
health to have
charge.

712. Subdivision 1. The State board of health shall have charge of the registration of births and deaths; shall prepare the necessary instructions, forms and blanks for obtaining and preserving such records and shall procure the faithful registration of the same in each primary registration district, as constituted in subdivision 3 of this section, and in the central bureau of vital statistics at the capitol of the State. Said board shall be charged with the uniform and thorough enforcement of the law through the State, and shall from time to time recommend any additional legislation that may be necessary for this purpose.

State regis-
trar: how ap-
pointed, term
of office.

Subdivision 2. The State board of health shall have general supervision over the central bureau of vital statistics. The State registrar of vital statistics shall be appointed by the State board of health. He shall hold office at the pleasure of said board and shall receive such compensation as the board may fix. The State board of health shall provide such clerical and other assistants as may be necessary for the purposes of this section who shall serve during the pleasure of the board, and said board shall fix the compensation of persons thus employed. The State board of health shall provide for the bureau of vital statistics suitable offices, which shall be properly equipped with filing cases for the permanent

and safe preservation of all official records made and returned under this section.

Subdivision 3. For the purposes of this section the State shall be divided into registration districts as follows: Each voting precinct in the State shall constitute a primary registration district; provided, that the State board of health may combine two or more primary registration districts or subdivide any primary registration district when necessary to facilitate registration.

Primary registration districts.

Subdivision 4. As soon as possible after the taking effect of this section the State board of health shall appoint a local registrar of vital statistics for each registration district in the State. The term of office of each local registrar so appointed shall be four years, and until his successor has been appointed and has qualified, unless such office shall sooner become vacant by death, disqualification, operation of law, or other cause; provided, that in cities where other officials are, in the judgment of the State board of health, conducting effective registration of births and deaths under local ordinances at the time of the taking effect of this section, such officials may be appointed as registrars in and for such cities, and shall be subject to the rules and regulations of the State registrar, and to all of the provisions of this section. Any vacancy occurring in the office of local registrar of vital statistics shall be filled for the unexpired term by the State board of health. At least ten days before the expiration of the term of office of any such local registrar, his successor shall be appointed by the State board of health.

Local Registrars.

Any local registrar who, in the judgment of the State board of health, fails or neglects to discharge efficiently the duties of his office shall be forthwith removed by the State board of health.

Each local registrar shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of his absence or disability; and such deputy shall in writing accept such appointment and be subject to all laws, rules and regulations governing local registrars. And when it appears to him expedient the local registrar may with the approval of the State registrar appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive certificates of birth and death and to issue

Deputy and sub registrars.

burial or removal permits in and for such portions of the district as may be designated; and each subregistrar shall note, on each certificate, over his signature, the date of filing, and shall forward all certificates to the local registrar of the district within ten days, and in all cases before the third day of the following month; provided, that each subregistrar shall be subject to the supervision and control of the State registrar, and may be by him removed for neglect or failure to perform his duty in accordance with law and the rules and regulations governing local registrars.

Burial or
other disposi-
tion of body
prohibited
without
permit.

Subdivision 5. No dead human body shall be buried, cremated or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than 72 hours after death, unless a permit for burial, removal, or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred or in which the body was found. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him as herein provided; provided, that when any such body is transported from outside the State into a registration district in Alabama for burial the transit or removal permit issued in accordance with the law and health regulations of the place where the death occurred shall be accepted by the local registrar of the district into which such body has been transported for burial or other disposition as a basis upon which he may issue a local burial permit; and he shall note upon the face of the burial permit the fact that it is a body shipped in for interment and give the actual place of death; and no local registrar shall receive any fee for the issuance of burial or removal permits other than the compensation provided in subdivision 20 and provided further that in sparsely settled districts, to be designated by the State registrar of vital statistics, or when it is impracticable to file a death certificate, a local registrar may issue a burial or removal permit without a certificate if a responsible person assumes the obligation to file a satisfactory certificate within ten days.

Still births.

Subdivision 6. A stillborn child shall be registered as a birth and also as a death and separate certificates of

the birth and the death shall be filed with the local registrar in the usual form and manner, the certificate of birth to contain in place of the name of the child the word "stillborn;" provided that neither a certificate of birth nor a certificate of death shall be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn," with the cause of stillbirth, if known, whether a premature birth, and, if a premature birth, the period of uterogestation, in months, if known; and a burial or removal permit of the prescribed form shall be required. Midwives shall not sign certificates of death for stillborn children; but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in subdivision 8 of this section.

Subdivision 7. Certificates of death shall be upon such forms, and shall contain such matter, as may be provided for from time to time by the rules and regulations of the State board of health. Certificates of death, form, etc.

The personal statistical particulars shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit; and any certificate containing only such terms, as defined by the State registrar, shall be returned to the physician or person making the medical certificate

for correction and more definite statement. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal. And for deaths in hospitals or other institutions, or of non-residents, the physician shall supply the personal statistical particulars, if he is able to do so, and may state where, in his opinion, the disease was contracted.

Deaths without medical attendance.

Subdivision 8. That in case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the local registrar of such death, and when so notified the registrar shall, prior to the issuance of the permit, inform the local health officer and refer the case to him for immediate investigation and certification; provided when there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having knowledge of the facts; provided, further, that if the registrar has reason to believe that the death may have been due to unlawful act or neglect, he shall then refer the case to the coroner or other proper officer for his investigation and certification. And the coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or if from external causes, (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the State registrar in order properly to classify the death.

Duty of undertakers to obtain burial permits.

Subdivision 9. The undertaker, or person acting as undertaker, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain a burial or removal permit prior to any disposition of the body. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner as directed by the local registrar, for the medical certificate of the cause of death and other particulars

necessary to complete the record, as provided in subdivisions 7 and 8. And he shall then state the facts required relative to the date and place of burial or removal, over his signature and with his address, and present the complete certificate to the local registrar in order to obtain a permit for burial, removal, or other disposition of the body. The undertaker shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the body, when shipped by any transportation company; said permit to accompany the body to its destination, where, if within the State of Alabama, it shall be delivered to the person in charge of the place of burial.

Every person, firm, or corporation selling a burial casket, and every person who makes one on a special order, shall keep a record showing the name and post-office address of the purchaser or orderer, name of deceased, and date and place of death of deceased, which record shall be open to inspection of the State registrar at all times. On the first day of each month the person, firm, or corporation, selling caskets or making them on special order shall report to the State registrar each sale or making for the preceding month, on a blank provided for that purpose; provided, however, that no person, firm or corporation selling caskets to dealers or undertakers only shall be required to keep such record, nor shall such report be required from undertakers when they have direct charge of the disposition of the body.

Undertaker to
make reports.

Every person, firm, or corporation selling a casket at retail, and not having charge of the disposition of the body, shall inclose within the casket a notice furnished by the State registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the State board of health concerning the burial or other disposition of a dead human body.

Notice and
death certifi-
cate to be
placed in each
coffin sold.

Subdivision 10. If the interment, or other disposition of the body, is to be made within the State, the wording of the burial or removal permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or dispose otherwise of the body, stating the name, age,

Form of
burial permit.

sex, cause of death and other necessary details upon the form prescribed by the State registrar.

Prohibits
burial without
permit, etc.

Subdivision 11. No person in charge of any premises on which interments are made shall inter or permit the interment of or other disposition of any human body unless it is accompanied by a burial, removal, or transit permit, as herein provided. And such person shall endorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district within ten days from the date of the interment, or within the time fixed by local ordinance. He shall keep a record of all bodies interred, or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and name and address of the undertaker; which record shall at all times be open to official inspection; provided, that the undertaker or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within ten days with the registrar of the district in which the cemetery is located.

Births shall be
reported.

Subdivision 12. The birth of each and every child born in this State shall be registered as hereinafter provided.

Subdivision 13. Within ten days after the date of a birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth, which certificate shall be upon the form adopted by the State board of health, with a view to procuring a full and accurate report with respect to each item of information that may be required under subdivision 14 of this section.

Persons
required to
report births.

In each case where a physician, midwife, or person acting as midwife, was in attendance upon the birth, it shall be the duty of such physician, midwife or person acting as midwife, to file said certificate in accordance herewith.

In each case where there was no physician or midwife in attendance upon the birth, it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred, or the manager or superintendent of the public or private institution

where the birth occurred, each in the order named, within ten days after the date of such birth, to report to the local registrar the fact of such birth. In such case and in case the physician or midwife, or other person reporting said birth is unable, by diligent inquiry, to obtain any item or items of information contemplated by subdivision 14 of this section, it shall then be the duty of the local registrar to secure from the person so reporting, or from any other person having the required knowledge, such information as will enable him to prepare the certificate of birth herein contemplated, and it shall be the duty of the person reporting the birth or who may be interrogated in relation thereto to answer correctly and to the best of his knowledge all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth as contemplated by said subdivision 14, and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature, when requested so to do by the local registrar.

Subdivision 14. Certificates of birth shall be upon such forms, and shall contain such matter, as may be provided for from time to time by the rules and regulations of the State. Form of birth certificate.

Such certificates shall be signed by the attending physician or midwife, with date of signature and address; if there is not a physician or midwife in attendance, then by the father or mother of the child, chief occupant of the premises, or manager or superintendent of public or private institution where the birth occurred, or other competent person, whose duty it shall be to notify the local registrar of each birth, as required by subdivision 13 of this section.

The exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, shall be by said registrar noted on each birth certificate.

Subdivision 15. When any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall When child not named.

be filled out as directed, and returned to the local registrar as soon as the child shall have been named.

Physicians,
midwives
required to
register.

Subdivision 16. Every physician, midwife, undertaker, dealer in coffins and maker of coffins shall, without delay, register his name, address, and occupation with the local registrar of the district in which he resides, or may hereafter establish a residence; and shall thereupon be supplied by the local registrar with a copy of this section, together with such rules and regulations as may be promulgated by the State board of health relative to its enforcement. Within thirty days after the close of each calendar year each local registrar shall make a return to the State registrar of all physicians, midwives, or undertakers or makers of coffins who have been registered in his district during the whole or any part of the preceding calendar year; provided, that no fee or other compensation shall be charged by local registrars to physicians, midwives, or undertakers for registering their names under this section or making returns thereof to the State registrar.

Hospitals to
keep records.

Subdivision 17. All superintendents, managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases or confinement, or are committed by process of law, shall forthwith make a record of all the personal and statistical particulars relative to the inmates in their institutions which are required in the forms of the certificates provided for by this subdivision as directed by the State registrar; and thereafter such record shall be, by them made for all future inmates at the time of their admittance. And in case of persons admitted for treatment of disease, the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself if it is practicable to do so; and when they cannot be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

State registrar to furnish supplies.

Subdivision 18. The State registrar shall under the supervision of the State board of health prepare, print, and supply to local registrars all blanks and forms used

in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this section, and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other blanks shall be used than those supplied by the State registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, undertakers, and all other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the State registrar or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the State registrar, in person, by mail, or through the local registrar; provided, that no certificate of birth or of death, after its acceptance for registration by the local registrar, and no other record made in pursuance of this section, shall be altered or changed in any respect otherwise than by amendments properly dated, signed, and witnessed. The State registrar shall further arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous index of all births and deaths registered, said index to be arranged alphabetically, in the case of deaths, by the names of decedents, and in the case of births, by the names of fathers and mothers. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the State board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread.

State registrar to index and file certificates.

All birth records and death records for years prior to 1908, which may now be in the possession of health officers, or probate judges shall be forwarded to the registrar of vital statistics at Montgomery upon his request and the registrar shall have copies and indexes of such records made, after which said records shall be returned to the counties from which they were received.

If any cemetery company or association, or any church or historical society or association, or any other company, society, or association, or any individual, is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this State, such company, society, association, or individual, may file such record or a duly authenticated transcript thereof with the State registrar, and it shall be the duty of the State registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the State registrar may prescribe. If any person desires a transcript of any record filed in accordance herewith, the State registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record, as filed in his office, and for his services in so furnishing such transcript and certificate he shall be entitled to a fee of fifteen cents per hundred words and to a fee of twenty-five cents for the certificate, which fee shall be paid by the applicant.

Fee for
transcripts.

Local regis-
trars to dis-
tribute blank
forms.

Subdivision 19. Each local registrar shall supply blank forms of certificates to such persons as require them. Each local registrar shall carefully examine each certificate of birth or death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of this section and the instructions of the State registrar; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold the burial or removal permit until such defects are corrected. All certificates, either of birth or of death, shall be written or typed legibly, in durable black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; provided, that in case the death occurred from some disease which is held by the State board of health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal

or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the State board of health. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if they can be obtained. He shall number consecutively the certificates of birth and of death, in two separate series, beginning with number 1 for the first birth and number 1 for the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his said office. He shall also make a complete and accurate copy of each birth certificate and each death certificate registered by him in a record book supplied by the State registrar. When any such record book of births and deaths is filled, the local registrar shall deliver the same to the probate judge of the county and said judge shall cause such books to be properly labeled and indexed so as to constitute permanent local records of births and deaths. On the 10th day of each month each local registrar shall transmit to the State registrar all original certificates registered by him for the preceding month. And if no births or no deaths occurred in any month, he shall, on the 10th day of the following month, report that fact to the State registrar, on a card provided for such purpose.

Local registrar to copy and number birth and death certificates.

Subdivision 20. Each local registrar shall be paid the sum of twenty-five cents for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State registrar, as required by this section, except that city registrars, who are already compensated by salary for their services, shall not receive further compensation as provided for in this section. And in case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect, but only if such report be made promptly as required by this subdivision. All amounts payable to a local registrar under the provisions of this section shall be paid by the treasurer of the county in which the registration district is located, upon certification by the State registrar. And the State registrar shall annually certify to the treasurer of the several counties

Pay of local registrar.

the number of births and deaths properly registered, with the names of the local registrars and the amount due each of the rates fixed herein.

Fee for certified copies of birth and death certificates to be paid into the state treasury.

Subdivision 21. The State registrar shall, upon request, supply to any applicant a certified copy of the record of any birth or death registered under provisions of this section, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth or death, when properly certified by the State registrar, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the State registrar shall be entitled to a fee of fifty cents for each hour or fractional part of an hour of time of search, said fee to be paid by the applicant. And the State registrar shall keep a true and correct account of all fees by him received under these provisions, and turn said fees over to the State treasurer; provided, that the State registrar shall, upon request of any parent or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment; and provided further that the United States census bureau may obtain, without expenses to the State, transcripts or certified copies of births and deaths without payment of the fees herein prescribed.

Penalties for violation of vital statistics sections.

Subdivision 22. It shall be unlawful for any person, for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership. (a) to inter, cremate, or otherwise finally dispose of a dead human body or permit the same to be done, or to remove such body from the primary registration district in which the death occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or (b) to refuse or fail to furnish correctly any information in his possession, or to furnish false information, affecting any certificate or record required by this section; or (c) willfully to alter, otherwise than is provided by subdivision 18 of this section, or falsify any certificate of birth or death, or any record established by this section, or (d) being required

by this section to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, to fail, neglect or refuse to perform such duty in the manner required by this section, or (e) being a local registrar, deputy registrar, or subregistrar, to fail, neglect, or refuse to perform his duty as required by this section and by the instruction and directions of the State registrar thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall, for the first offense be fined not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars, and for each subsequent offense not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars, or be imprisoned in the county jail not more than sixty days or be both fined and imprisoned in the discretion of the court.

It shall be the duty of every minister of the gospel, or other person conducting religious services at a funeral to inquire whether or not a burial or removal permit has been secured for the disposition of the body. Should it be found that a burial permit has not been secured the undertaker or person in charge of the funeral shall be notified by said minister of the law governing the issuance of burial permits.

Subdivision 23. Each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this section in his registration district, under the supervision and direction of the State registrar; and he shall make an immediate report to the State registrar of any violation of this section coming to his knowledge, by observation or upon complaint of any person, or otherwise.

Local registrars to report violations to state registrar.

The State registrar is hereby charged with the thorough and efficient execution of the provisions of this section in every part of the State, and is hereby granted supervisory power over local registrars, deputy local registrars, and subregistrars, to the end that all of its requirements shall be uniformly complied with. The State registrar, either personally or by an accredited representative, shall have authority to investigate cases of irregularity or violation of this section, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of viola-

State registrar charged with the efficient execution.

tion of any of the provisions of this section to the proper solicitor and grand jury with a statement of the facts and circumstances, and upon such report to him said solicitor shall forthwith initiate and promptly follow up the necessary court proceedings against the person or corporation responsible for said violation. And upon request of the State registrar, the attorney general shall assist in the enforcement of the provisions of this section.

Subdivision 24. Except as otherwise provided by law salaries of all employees and the costs of all supplies and all other expenses necessary to make operative the provisions of this section shall be paid by the State board of health out of the general appropriation made by the Legislature for public health work.

Provisions
concerning
water supply.

State board of
health to su-
pervise public
water
supplies.

713. (2440) (1293) Subdivision 1. The State board of health shall have general supervision and control over all water supplies and water works in the State in so far as the sanitary and physical quality of waters furnished may affect the public health or comfort, and shall from time to time, by its employees or agents, examine the sources of supply of water works systems and the method of filtering and treating water and delivering the same to consumers. Said board shall, when requested, consult with and advise the municipal authorities and other persons having, or intended to have, water works installed, enlarged or improved as to the most appropriate source of water supply and the best method of assuring its purity.

Water corpo-
rations to sup-
ply and the
state board of
health to ex-
amine speci-
mens of
water.

Subdivision 2. It shall be the duty of every person, firm, municipal or other public corporations, quasi-public corporation, private corporation or other body or institution furnishing or supplying water for human consumption or for domestic uses to deliver at the State laboratory of the State board of health, in containers supplied by said laboratory for that purpose, once every three months and oftener if in the opinion of the State board of health, it should be necessary, a sample of water furnished to consumers. It shall be the duty of the State board of health to cause a bacteriological, sanitary or chemical analysis to be made of each sample so delivered and to record such analysis in a book kept for that purpose in the office of the State board of health and to furnish to the municipal authorities of the municipality using such

water and to the owner of the waterworks furnishing such water a copy of such analysis.

Subdivision 3. It shall be unlawful to furnish or supply water intended to be used for human consumption or for domestic uses which is impure, unwholesome, unpalatable, polluted, or dangerous to health, or has been so declared by the State board of health.

Subdivision 4. Whenever it is proposed to furnish or supply, or to continue to furnish or supply water for human consumption or for domestic uses whether to municipality or to other groups of persons, whether large or small groups, or to install, add to, modify, or alter any water plant, works, system, or sources of supply, the person, firm or corporation so proposing shall file with the State board of health as herein provided a petition for permission so to do, together with complete plans and specifications and a statement containing a general description of the proposed water supply system, or of the proposed changes in the existing system, showing the geographical location thereof with relation to the source of water supply, and the manner of storage, purification, or treatment proposed or used for the supply previous to its delivery to consumers, and all the sanitary and health conditions surrounding and affecting said supply and the works, system and plant, such plans, specifications and general statement to be in such form and to cover such matters as the State board of health shall prescribe, except that this provision shall not apply to the mere extension of water pipes for the distribution of water; provided that before plans are drawn or applications filed for a prospective system of water supply, a preliminary statement concerning the improvement may be made to the State board of health, whereupon the State board of health shall, if requested, outline in a general and tentative way the requirements conformity with which would meet with the board's approval. Upon the filing of such plans and specifications, accompanied by a payment estimated by the State board of health to be sufficient to pay the expense of such investigation, a thorough investigation of the proposed or existing works, system, plant, water supply, and all other circumstances and conditions deemed by said board to be material must be made by said board. But no person, firm, or corporation supply-

Plans of prospective system of water supply to be filed with state board of health.

State board of health to investigate on request and payment of expense.

Private supplies exempt from permit except on complaint.

ing water solely for use on his or its private property upon which there is no industrial camp, hotel, temporary resort or permanent resort using said water, or supplying less than fifty persons, shall be required to apply for a permit under the provisions of this section, except upon formal complaint filed with the State board of health.

Conduct of investigation.

As a part of such investigation, and after ten days' notice by mail to the petitioner, a hearing or hearings may be had before said board or an examiner appointed by it for the purpose. At such hearing or hearings witnesses who testify shall be sworn by the person conducting the hearing, and evidence, oral and documentary and by deposition, may be received, a record of which shall be made and filed with said board. Upon completion of such investigation said board:

In case of impure water supply.

(a) If it shall determine as a fact that the water being supplied or to be supplied is such that under all the circumstances and conditions it is impure, unwholesome, or unpotable, or may constitute a menace or danger to the health or lives of human beings, or that under all the circumstances and conditions the existing or proposed works, system, plant, or water supply, or proposed modifications therein are unhealthful or insanitary, or not suited to the production and delivery of healthful, pure, and wholesome water, shall order the petitioner to make, within a time to be designated by said board, such changes as it deems necessary to secure a continuous supply of pure, wholesome, potable, and healthful water, or may prohibit the use of said water supply or the construction or operation of said works, system or plant; and thereafter it shall be unlawful to use said water supply or to construct or operate said works, system or plant, till said prohibition is withdrawn; provided that a temporary permit may be issued by said board for a reasonable period to permit the petitioner to comply with such order or orders, during which time said board may at its discretion, but at the expense of the petitioner, have at said works an inspector whose orders for the sanitary operation of said works shall be carried out by those operating said works.

Temporary permits may be issued.

Permit to be issued in case of satisfactory water supply.

(b) If it shall determine, as a fact, that the water being supplied or to be supplied is such that, under all the circumstances and conditions, it is pure, wholesome, and potable and does not endanger the lives or health of hu-

man beings, it shall grant the petitioner a permit authorizing petitioner to furnish or continue to furnish or supply such water to human beings; provided that all permits issued hereunder shall be revocable or subject to suspension by said board at any time that it shall determine, as a fact, that the water being supplied is or is in danger of becoming impure, unwholesome or unpotable or does or will endanger the lives or health of human beings. The State board of health and its inspectors shall, at reasonable times, have full power and authority to enter into and upon any and all places, property, inclosures and structures for the purpose of making investigations to determine whether any provision of this section is being violated. The holder of any permit granted by said board may, at any time, be required by said board to furnish to said board upon demand, a complete report upon the condition and operation of the water supply, plant, works, or system owned, operated or controlled by said holder, which report shall be made by some competent person designated for the purpose by said board, and at the sole cost and expense of the holder of the permit. The State board of health may in any case make a re-examination at any time and if satisfied that the conditions found to exist are such as to endanger the lives or health of the users of the water may revoke the permit. Any person, firm, corporation, public utility, municipality or other body or institution who shall furnish or supply or continue to furnish or supply water used or intended to be used for human consumption or for domestic uses or purposes, or shall install additions to, modifications, alterations in any of the existing plants, works, systems, or sources of supply without having an unrevoked permit from the State board of health so to do, as herein provided, shall be held to have violated the provisions of this section; and may also, in addition to being prosecuted criminally, be enjoined from further violations by any court of competent jurisdiction, at the suit of the State board of health or of any person or persons, firm, municipal or other corporation, whose supply of water for human consumption or for domestic uses or purposes is taken or received from or supplied or furnished by any such water-furnishing or distributing person, firm, corporation, public utility, or municipality or other body or

Holder to furnish report on request.

Re-examination may be made.

To furnish water or make change in system of supply without permit violation of this statute.

institution. Anything done, maintained, or suffered in violation of any of the provisions of this section shall be deemed to be a public nuisance, dangerous to health, and may be abated, summarily or otherwise, in the manner provided by law, and it shall be the duty of all and every public officer or officers, body or bodies lawfully empowered so to do to immediately abate the same.

Appeal to
court from
state board of
health
decision.

Subdivision 5. Any person, firm, institution, or corporation dissatisfied with any such order of, or by the granting or refusal to grant any such permit by, the State board of health may, within thirty days after the making of such order or the granting of or refusal to grant such permit, appeal to any court of competent jurisdiction, and the said court shall render a decision approving, setting aside, or modifying the said order or final order or stating the conditions for the granting of said permit.

Penalty for
violation.

Subdivision 6. Every person, firm, corporation, public utility, municipality, or other body or institution, or officer, employee or agent thereof upon whom the duty to act is cast, who shall violate any provision of this section, or who shall fail to obey, observe, or comply with any direction, order, requirement, or demand, or any part or provision thereof, of the State board of health, or who procures, aids or abets any such person, firm, corporation, public utility, municipality or other body or institution, or officer or employee or agent thereof in any failure to obey or comply with the provisions of this section or the orders of the State board of health as provided in this section, shall become liable for and forfeit to the State of Alabama the penal sum of not more than one thousand dollars for each separate offense. The continued existence of any violation of this section for each and every day beyond the time stipulated for compliance with any of its provisions or of any order of the State board of health as provided herein shall constitute a separate and distinct offense. All such penalties are to be recovered by the State in civil action brought by the State of Alabama and such penalties when collected shall be paid into the general fund of the State treasury.

Attorney gen-
eral to repre-
sent the state
board of
health.

Subdivision 7. In all actions and proceedings for the enforcement of the provisions of this section, or of orders of the State board of health under the provisions of this section, the attorney general shall represent the said

board, except in proceedings to which any of the public institutions of the State is a party defendant, and in such cases the board is authorized to employ special counsel.

714. Every physician who is called to a case of any of the diseases named or referred to in section 716 of this Code shall, as soon thereafter as can be done, make a report thereof to the county health officer or the county quarantine officer and to the State health officer specifying the name and locality of the patient, the character of the disease, together with such other details as will furnish adequate information of the conditions and surroundings; and where the disease is one which is required by any health law, rule or regulation, to be isolated or quarantined shall take all proper steps to isolate or quarantine the case until the arrival of the county health officer or county quarantine officer; provided, that if the disease be a venereal disease the person infected shall not be reported by name and address but as hereinafter provided.

Report of physicians as to contagious diseases.

Physicians to report contagious diseases and institute quarantine.

715. Whenever a disease appears in a county, incorporated city, or town, suspected by any physician, or midwife, or by any person on whose premises such sick person is, of being one of those enumerated in the next succeeding section, such physician, or midwife, or such person, shall report his or her suspicion to the health officer having jurisdiction over the locality where such case appears, whereupon, such health officer shall thoroughly investigate and decide upon the character of the disease. Should he entertain doubt as to the nature of the disease he shall call to his aid such members of the committee of public health of the county board of health as may be available. Should doubt, or difference of opinion, as to the nature of the disease still exist, the State Health Officer shall be summoned, to which summons he shall respond as promptly as circumstances will permit.

Investigation of suspicious cases of disease.

716. Subdivision 1. The following diseases and disabilities are hereby made and declared to be notifiable diseases and the occurrence of cases shall be reported as herein provided:

Notifiable diseases.

Group A. Infectious diseases, viz., actinomycosis, anthrax, chancroid, chicken pox, cholera (Asiatic, also cholera nostras when Asiatic cholera is present or its importation threatened), continued fever lasting seven days,

List of infectious diseases notifiable.

dengue, diphtheria, dysentery (amebic), dysentery (baccillary), favus, German measles, glanders, gonorrhea, hookworm disease, deprosy, malaria, measles, meningitis (epidemic cerebrospinal), meningitis (tuberculous), mumps, ophthalmia neonatorum (conjunctivitis of newborn infants), paragonimiasis (endemic hemotypsis), paratyphoid fever, plague, pneumonia (acute), poliomyelitis (acute infectious), rabies, Rocky Mountain spotted or tick fever, scarlet fever, septic sore throat, smallpox, syphilis, tetanus, trachoma, trichinosis, tuberculosis (all forms, the organ or part affected in each case to be specified), typhoid fever, typhus fever, whooping cough, yellow fever, epidemic influenza and lethargic encephalitis.

Occupational
diseases noti-
fiable.

Group B. Occupational diseases in injuries, viz., arsenic poisoning, brass poisoning, carbon monoxide poisoning, lead poisoning, mercury poisoning, natural gas poisoning, phosphorus poisoning, wood alcohol poisoning, naphtha poisoning, bisulphide of carbon poisoning, dinitrobenzine poisoning, caisson disease (compressed air illness), any other disease or disability of the nature of the person's employment.

Other diseases
notifiable.

Group C. Diseases of unknown origin, viz., pellagra, cancer.

Group D. Such other diseases as the State board of health may from time to time, in its discretion, declare to be notifiable diseases.

Physicians
required to
report imme-
diately.

Subdivision 2. Each physician practicing in the State of Alabama who treats or examines any person having, or suspected of having, any notifiable disease shall immediately report such case of notifiable disease in the most expeditious manner possible, whether by telephone, telegraph or special messenger, and within five days thereafter in writing, to the county health officer or acting county health officer. Said written report shall be upon such forms, and shall contain such matters, as may be provided for from time to time by the rules and regulations of the State board of health.

Special re-
quirements in
case of
smallpox.

Whenever the disease is smallpox, or suspected of being smallpox, it shall be unlawful for any person who has been exposed to infection therefrom and who has not been successfully vaccinated to appear in any public place other than his own home until after he is successfully vaccinated, and it shall be the duty of the county

health officer to isolate in their own homes all persons who have been exposed to infection from another person infected with smallpox until they have been successfully vaccinated. In the event of an outbreak in any community it shall be unlawful for any person who has not been successfully vaccinated to be found in any public place or in any place other than his own home and it shall be the duty of the State health officer to have such person isolated and confined in his own home until he is successfully vaccinated.

If the disease is, or is suspected to be, typhoid fever, scarlet fever, diphtheria, or septic sore throat, the report shall also show whether the patient has been, or any member of the household in which the patient resides is, engaged or employed in the handling of milk for sale or preliminary to sale.

Requirements
in case of
typhoid fever,
etc.

Subdivision 3. The superintendent or other person in charge of any hospital, asylum, or other institution in which the sick are cared for may, with the written consent of the county health officer, report in the place of the attending physician or physicians the cases of notifiable diseases and disabilities occurring in or admitted to said hospitals, asylums or other institution and in the same manner as the report would otherwise have been made by the attending physician.

Superinten-
dent of hos-
pital to report
cases.

Subdivision 4. Whenever a person is known, or is suspected, to be afflicted with a notifiable disease, or whenever the eyes of an infant under two weeks of age become reddened, inflamed or swollen, or contain an unnatural discharge, and no physician is in attendance, an immediately report of the existence of the case shall be made to the county health officer by the midwife, nurses, attendant, or other person in charge of the patient.

Eye diseases
of infants to
be reported.

Subdivision 5. Teachers or other persons employed in, or in charge of, public, or private schools, including Sunday schools, shall report immediately to the county health officer or quarantine officer such known or suspected cases of notifiable disease in persons attending or employed in their respective schools.

Teachers to
report.

Subdivision 6. The written reports of cases of notifiable disease required of physicians by this article shall

Report blanks
to be fur-
nished.

be made upon blanks supplied for the purpose, through the county health officer or quarantine officer, by the State board of health, and physicians must secure blanks from the county health officer or quarantine officer.

Subdivision 7. County health or quarantine officers shall within seven days after the receipt by them of a report of a case of notifiable disease forward, by mail, to the State board of health the original written report made by the physician, after first having transcribed the information given therein on a book or other form of record for the permanent files of the county health officer. On each report thus forwarded the county health officer shall state whether the case to which the report pertains was visited or otherwise investigated by himself or his representative and whether measures were taken to prevent the spread of the disease or the occurrence of additional cases.

Subdivision 8. The county health officer shall, in addition to the provisions of subdivision 7, report daily to the State board of health, in such manner as the State board of health may by its rules and regulations require, the number of new cases of each of the notifiable diseases reported to said county health officer.

Subdivision 9. Whenever there occurs an epidemic of a notifiable disease, the county health officer shall, within thirty days after the epidemic shall have subsided, make a report to the State board of health of the number of cases occurring in the epidemic, the number of cases terminating fatally, the origin of the epidemic, and the means by which the disease was spread; but whenever the State board of health has taken charge of the control and suppression or undertaken the investigation of the epidemic, the county health officer need not make such report.

Subdivision 10. The State board of health may take charge of the investigation of an epidemic or of the control and suppression thereof, or both, whenever, in the opinion of that board, the public welfare requires such a course of action and in that event shall have and exercise all the power and authority that the county boards of health and the county health officer or county quarantine officer would have in the premises.

Subdivision 11. In counties in which there are no health officers, and in counties in which, although there are health officers, adequate provision has not in the opinion of the State board of health been made for the proper notification, investigation, and control of notifiable disease, and in localities in which the local health authorities fail to carry out the provisions of the health laws of the State and the rules and regulations of the State board of health, the State board of health may appoint properly qualified sanitary officers to act as local health officers and to prevent the spread of disease in and from such localities and to enforce said laws, rules and regulations.

To appoint officers to control epidemics.

Subdivision 12. Syphilis, gonorrhea and chancroid, herein designated venereal diseases, are hereby recognized and declared to be contagious, infectious, communicable diseases and dangerous to the public health. And it shall be unlawful for any person to treat or prescribe for any person having such disease, except a physician holding a certificate of qualification from the Alabama State board of medical examiners issued under any pre-existing statute or any statute which may hereafter be enacted governing the issuance of certificates to practice medicine in this State, or for any druggist to refill a prescription for such disease.

Venereal diseases designated to be dangerous to public health to be treated by physicians only.

Subdivision 13. Any physician who makes a diagnosis in, or treats a case of, syphilis, gonorrhea or chancroid, and the superintendent or manager of a hospital or dispensary or penal or other institution in which there is a case of venereal disease shall report such case immediately in writing to the county health officer, stating the physician's or institution's office number, the age, color, sex, and occupation of such diseased person, the date, as near as it can be arrived at, of the onset of the disease, and the probable source of infection, and the report shall be enclosed in a sealed envelope and sent to the county health officer; provided, that the name and address of such diseased person shall also be furnished to the health officer as hereinafter specifically required but not otherwise.

Duty of physicians in treating venereal diseases.

Subdivision 14. It shall be the duty of every physician who examines or treats a person having syphilis, gonorrhea, or chancroid to instruct such person in measures for preventing the spread of such disease, and the neces-

sity for treatment until cured, and to furnish such person a copy of the circular of information obtainable for such purpose from the State board of health.

Relating to
the treatment
of prostitutes.

Subdivision 15. Owing to the prevalence of such diseases among prostitutes and persons associated with them, all such persons, are to be considered within the class of those reasonably suspected of being sources of infection, it shall be the duty of the county health officer to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until such disease, in the judgment of the attending physician, is no longer communicable or a source of danger to the public health, or submit to treatment provided at public expense until discharged by the person in charge of the clinic; and also, when in his judgment such a course is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease.

Health authorities to examine prisoners for venereal disease.

Subdivision 16. All persons who have been confined or imprisoned in any State, county or city prison shall be examined and, if infected, treated for venereal disease by the health authorities or their deputies. The prison authorities of any State, county or prison are directed to make available to the health authorities such portion of any State, county or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are infected with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place of isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of this article, may be isolated and treated at public expense until said person in the judgment of the attending physician is no longer a menace to the public health.

Prohibits sale of patent medicine for venereal disease.

Subdivision 17. That it shall be unlawful for a druggist or any other person to sell any drug, medicine or preparation or preparations, advertised, called for, labeled or intended to be used as a cure or treatment for venereal disease, except on written prescription of a licensed physician. The original prescription shall be retained and filed by the druggist compounding said pre-

scription and it shall be unlawful for said druggist to furnish a copy or copies of said prescription.

Subdivision 18. Whenever a physician examines or treats a case of venereal disease it shall be his duty to inquire of and ascertain from the diseased person whether such person has theretofore consulted with or been treated by any other physician, and if so, to ascertain the name and address of the physician last theretofore consulted. It shall be the duty of the diseased person to furnish this information. It shall be the duty of the physician, where the diseased person has theretofore received treatment, immediately to notify by mail the physician theretofore treating such person of the change of physician, such notification to be made upon a form furnished for that purpose by the State board of health. Should the physician previously consulted fail to receive such notice within five days after the last appearance or treatment administered by him to such venereally diseased person, it shall be the duty of such physician to report to the county health officer the name and address of such venereally diseased person.

Duty of physician when treating cases of venereal disease.

Subdivision 19. It shall be the duty of the physician treating any person infected with a venereal disease to make and keep an accurate record of each and every time such person so diseased is seen for the purpose of consultation or treatment, and each and every person so seen shall be instructed by the physician as to the day, or date, on which said person so diseased shall be expected to be next seen for the purpose of treatment or consultation, and if after five days from the day or date so specified the person so instructed has not returned to or been seen by the physician responsible for the treatment it shall be the duty of the said physician immediately to report to the county health officer the name and address of such venereally diseased person.

Physicians to keep records.

Subdivision 20. Upon receipt of a report of a case of venereal disease, it shall be the duty of the county health officer to institute such measures for the protection of other persons from infection by such venereally diseased person as said health officer is empowered to use to prevent the spread of other contagious, infectious or communicable diseases.

Health officers to prevent spread of venereal diseases.

Information
shall be
confidential.

Subdivision 21. All information and reports concerning persons infected with venereal diseases shall be confidential and shall not be accessible to the public, except in so far as publicity may attend the performance of the duty imposed upon the county health officer in the preceding subdivisions.

Relating to
treatment of
minors.

Subdivision 22. It shall be the duty of the parents or custodians of a minor who has contracted a venereal disease, where such minor is living with the parents or custodian, upon being notified by the county health officer or the attending physician, to compel such minor to comply with the requirements of this section and upon failure of such minor so to comply, to report such matter or fact to the county health officer.

Unlawful to
advertise for
venereal
diseases.

Subdivision 23. It shall be unlawful for any person directly or indirectly to publish, deliver, distribute, or cause to be published, delivered or distributed in any manner whatsoever any advertisement concerning genito-urinary or venereal diseases, lost manhood, lost vitality, impotency, sexual weakness, seminal emissions, stricture, drains, discharges, prostatic troubles, self-abuse or excessive sexual indulgences or calling attention to any medicine, article or preparation that may be used therefor, or to any person or persons from whom, or any office or place at which, information, treatment, or advice relating to such diseases, infirmity, habit or condition may be obtained; provided, however, that this act shall not apply to the advertising of any patent medicine not used or recommended for the treatment of venereal diseases, nor shall it apply to didactic or scientific treatises which do not advertise or call attention to any person or persons from whom, or any place at which information, treatment or advice may be obtained, nor shall it apply to advertisements or notices issued by legally constituted health authorities in the discharge of their official duties.

Dispensaries.

Subdivision 24. No public dispensary where communicable diseases are treated or diagnosed shall be conducted or maintained otherwise than in accordance with the regulations provided by the State board of health.

Unlawful to
transmit
venereal
diseases.

Subdivision 25. It shall be unlawful for any person afflicted with a venereal disease to transmit or assume the

risk of transmitting or do any act likely to transmit such venereal disease to another person.

Subdivision 26. It shall be unlawful for any druggist or clerk or employee of any druggist, or any other person not a physician holding a certificate of qualification from the State board of medical examiners of the State of Alabama, to prescribe or recommend to any person any drug, medicine or other substance to be used for the cure, treatment or alleviation of gonorrhea, syphilis, or chancre; and it shall be unlawful for any person to compound any drug or medicine for such purpose from any written formula or order except a prescription not theretofore filled written for the person for whom the drug or medicine is compounded and signed by a physician holding a certificate of qualification from the State board of medical examiners.

Unlawful for druggist or other person to prescribe for venereal diseases.

Subdivision 27. Prostitution is hereby declared to be a prolific source of syphilis, gonorrhea and chancre, and the suppression of prostitution is declared to be a public health measure. It shall be the duty of all health officers and quarantine officers to co-operate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the suppression of prostitution. It is further declared that prostitution is presumptive evidence of venereal disease infection and whenever or wherever apprehended prostitutes shall be examined for said infection by the health officer or his assistant before being released from custody.

Prostitution a public health menace.

Subdivision 28. It shall be unlawful for any physician, health officer or other person to issue a certificate of freedom from venereal disease to any prostitute, or any person suspected of being a prostitute, or any person who had been a prostitute within one year prior to the proposed time of issue of such certificate, or any person intending or likely to use such certificate to aid in procuring another person to indulge in illicit sexual intercourse with her, or to issue any certificate of health or freedom from disease to any person intending or likely so to use it.

Physicians prohibited from issuing certificate of health to prostitute.

Subdivision 29. Any physician, midwife, nurse, or other person in attendance on a confinement case shall, within two hours after the birth of the child, use one of

Requires use of prophylactic solution in the eyes of every newborn child.

the following prophylactic solutions for the prevention of infantile blindness or ophthalmia neonatorum, two drops of the solution to be dropped in each eye after the eyelids have been opened: (1) A one per cent fresh solution of nitrate of silver, (2) a twenty-five per cent solution of argyrol, (3) a five per cent solution of protargol, or (4) such other solution as may be prescribed by the State board of health.

Penalty for physician or druggist for violating these laws.

Subdivision 30. Any person reported as having any of the diseases mentioned in this section shall conform to or obey the instructions or directions given or communicated to him by the county board of health or State board of health to prevent the spread or communication of the diseases named. Any physician or druggist convicted in any State or Federal court of record of violating any of the provisions of this article in reference to a venereal disease shall be subject to have his license to practice medicine or pharmacy within the State revoked in accordance with existing statutory provisions.

Barber shops to be registered by manager.

Subdivision 31. Every manager of a barber shop now in operation shall, forthwith, register his full name and the name and location of said shop in a book to be kept in the office of the county board of health for that purpose; and every manager of a barber shop that is opened for business hereafter shall within five days after the opening of said shop register in like manner. In event of a change in the manager or in the location of any barber shop the manager of said shop shall call at, or write, the county board of health within five days after such change takes place and make a corresponding entry in the register.

To be supplied with hot and cold water.

Subdivision 32. The owner and manager of any barber shop and each of them, shall equip said shop and keep said shop equipped with hot and cold water and with all such appliances, furnishings and materials as may be necessary to enable persons employed in and about said shop to comply with the requirements of this article.

To have no employee with venereal or skin diseases.

Subdivision 33. No owner and no manager of a barber shop shall permit any person suffering from a communicable skin disease or from a venereal disease to act as a barber in said shop. No person who is suffering from a communicable skin disease or from a venereal disease, shall act as a barber.

Subdivision 34. Every manager of a barber shop shall keep said shop and all furniture, tools, appliances and other equipment used therein at all times in a clean and sanitary condition; and shall cause all combs, hair brushes, hair dusters and analogous articles to be washed thoroughly at frequent intervals and to be kept clean at all times, and shall cause all mugs, shaving brushes, razors, shears, scissors, clippers and tweezers to be sterilized from time to time as hereinafter provided.

Cleanliness of equipment and sterilization of appliances required.

Subdivision 35. No barber shall use for the service of any customer a comb, hair brush, hair duster or any analogous article that is not thoroughly cleaned, nor any mug, shaving brush, razor, shears, scissors, clippers, or tweezers that are not thoroughly clean or that have not been sterilized since last used.

Subdivision 36. Every barber, immediately after using any mug, shaving brush, razor, scissors, shears, clippers, or tweezers for the service of any person, shall sterilize the same by immersing them in boiling water for not less than a minute, or, in the case of razors, scissors, shears, and tweezers, by immersing them for not less than ten minutes in wood alcohol or denatured ethyl alcohol of a strength not less than sixty-five per cent.

How sterilization to be done.

Subdivision 37. No barber shall use for the service of a customer any towel or wash cloth that has not been boiled and laundered since last used.

Towels.

Subdivision 38. Every barber shall cleanse his hands thoroughly immediately before serving each customer.

Hands.

Subdivision 39. No barber shall, to stop the flow of blood, use alum or other material unless the same be used as a powder or liquid, and applied on a clean towel or in a similar sanitary manner.

To stop flow of blood.

Subdivision 40. No barber shall use a powder puff, a sponge, or a finger bowl for or in the service of a customer.

Powder puff.

Subdivision 41. No barber shall permit any person to use the head rest of any barber's chair under his control until after the head rest has been covered with a towel that has been washed since having been last used, or with clean, new paper.

Head rest.

Subdivision 42. No barber shall shave any person when the surface to be shaved is inflamed or broken out,

Diseased skin.

or contains pus, unless such person be provided with a cup, razor and lather brush for his individual use.

Not to be treated.

Subdivision 43. No barber shall undertake to treat any disease of the skin.

Not a dormitory.

Subdivision 44. No person shall use a barber shop as a dormitory, nor shall any owner or any manager of a barber shop permit said shop to be so used.

This section to be posted in shop.

Subdivision 45. The owner and the manager of any barber shop, and each of them, shall keep a copy of this section to be furnished by the State board of health, posted in a conspicuous place in said shop for the information and guidance of persons working or employed therein.

Definition of barber.

Subdivision 46. The word "barber" as used in this section means any person who shaves, or trims the beard, or cuts or dresses the hair of any other person for pay, and includes "barbers' apprentices" and shop boys. The word "manager" means any person having, for the time being, control of the premises and of persons working or employed therein.

Common drinking cup.

Subdivision 47. It shall be unlawful to provide or use, or permit the use of, a common drinking cup or a common towel in any hotel, restaurant, railroad car and railroad station.

Construction agencies to secure proper drainage at site of work.

Subdivision 48. It shall be the duty of any person, firm or corporation engaged in the construction of any railroad, public highway, or any other construction work in Alabama, to drain all barrow pits, cuts and fills likely to impound water which shall be dangerous to the public health, and any person, firm or corporation failing to perform the duty herein imposed shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars.

Insanitary privy unlawful.

Subdivision 49. It shall be unlawful to build, have, maintain or use an insanitary privy, or one that is, or is likely to become, a menace to the public health in any populous country district, or unincorporated village, or where a school is maintained, and whenever seventy-five per cent of the adult residents in any of the above named places shall petition the county board of health or the State committee of health to have sanitary privies put in the State committee of public health shall have the

Sanitary privies may be required by state committee of public health.

power, and it shall be their duty, to require any person, firm, or private corporation to install sanitary privies wherever necessary; such privies to conform in all respects to the specifications for such privies made and approved by the State board of health.

717. Whenever the health officer of a county, incorporated city, or town shall recommend to the judge of probate and county commissioners or board of revenue, or to the mayor or intendant and council of an incorporated city or town, the isolation and detention of such persons as are laboring under, or have been exposed to, any of the diseases named in section 716 of this Code, the said judge of probate and commissioners or board of revenue, or the said mayor or intendant and council of such incorporated city or town shall enforce, under such penalties as said authorities may respectively prescribe, the isolation and detention of said persons, either at their own homes, or at such places as may be designated by said judge of probate and county commissioners or board of revenue, or by said mayor or intendant and council of an incorporated city or town, provided that said recommendations and rules for the isolation and detention of said persons shall receive the written endorsement of at least one member of the committee of public health of the county board of health.

Isolation and detention of cases of contagious diseases.

718. Subdivision 1. The following things, conditions and acts, among others, are hereby declared to be public nuisances per se, menacing public health and unlawful:

Nuisances menacing health and their abatement.

(1) Animals (including fish, birds, fowls and insects), other than human beings, infected with or acting as or likely to act as conveyors of disease or infection whereby they are or are likely to become menaces to public health.

(2) Insanitary buildings, yards, premises, places, privies, ponds, marshes, swamps and dumps which are or are likely to become menaces to public health.

(3) Insanitary clothing, bedding, furniture, vehicles, containers, receptacles, appliances and equipment which are or are likely to become menaces to public health.

(4) Unwholesome or decayed or infected meats, fish, fruits or other foods or foodstuffs, medicines, drugs, beverages or drinking waters which are, or are likely to become, menaces to public health.

(5) Such other acts, things or conditions as may from time to time be by the rules and regulations of the State board of health declared to be public nuisances *per se*, menacing public health.

(6) The ownership, possession, management, control, maintenance, permitting or use of any of the things or conditions described or referred to in this subdivision, or in any rule or regulation adopted under paragraph (5) of this subdivision.

(7) The conducting of a business, trade, industry or occupation, or the doing of a thing, not inherently insanitary or a menace to public health in such a manner as to make it a menace or likely to become a menace to public health.

(8) The conducting of a business, trade, industry or occupation, or the doing of a thing, lawful but inherently insanitary or a menace to public health without complying with such safeguards for the protection of health as may from time to time be prescribed by the rules and regulations of the State board of health.

To be abated
by county
board of
health.

Subdivision 2. Any such nuisance shall be abated by the county board of health and the county health officer in any of the ways provided in this section that may be appropriate or in any other lawful manner including abatement by bill in equity. And an effort to abate by one method shall not preclude resort to any other method or methods. And in litigation undertaken by such board for the abatement of a nuisance said litigation may be conducted in the name of said board.

Nuisances of
little value to
be destroyed
without com-
pensation.

Subdivision 3. When such nuisance consists of one or more of the diseased animals mentioned in this section, or of insanitary clothing or bedding, furniture, vehicles, containers, receptacles or appliances, or of unwholesome or decayed or infected meats, fish, fruits or other foods or foodstuffs, medicines, drugs or beverages, or consists of personal property of small value, and which nuisance in the opinion of the county board of health should be abated by destroying rather than curing or cleansing or disinfecting the animal or animals or things or material involved; or consists of equipment which by reason of its nature cannot be used without being such a nuisance; or consists of a privy of an insanitary or improper type; the county board of health shall, if after a

careful investigation of the facts it considers such a course necessary for the protection of the public health, adjudicate such animal or animals, or things or material involved, or such privy, as the case may be, to be such nuisance and order its summary destruction without compensation to the owner thereof, and thereupon the county health officer shall proceed with such destruction in such manner as reasonably to avoid danger of infection.

719. Whenever complaint shall be made in writing to the health officer of a county, city, or town that a person, not in his own home, is afflicted with any of the diseases named in section 716 of this Code, such health officer shall thoroughly and promptly investigate said complaint. If upon investigation said health officer be of the opinion that said complaint is well-founded, he shall, if his opinion be concurred in by at least one member of the committee of public health of the county board of health, cause such person to be removed to such place as may have been provided for such cases in the county, city, or town in which such person is found; or, if there be no such place provided for such cases, then, to such place as said health officer may deem suitable, subject to the approval of the authorities of the county, city, or town, as the case may be. The removal of said person shall be at the expense of said person; or in case the person removed is a minor, then, at the expense of his parents or guardians; or if the person be indigent, then, at the expense of the town, city, or county, as the case may be.

Removal of
infected persons
not in
their own
homes.

720. Whenever a house, or part of a house, is believed, or known, to have become infected by any of the diseases enumerated in section 716 of this Code, it shall be lawful for the health officer of the county, or of the municipality, according to the location of the said house, to enter said house, or part of house, or to authorize other persons to enter said house, or part of house, one or both, for the purpose of disinfecting it; provided that the disinfection shall be conducted with as little inconvenience to the owner, or occupant, and with as little damage to the house and to the furniture therein, as is compatible with thoroughness.

Health officer
authorized to
enter infected
houses.

721. If in the attempt to perform any duty enjoined by either of the three preceding sections the health officer of a county, city, or town shall be forcibly resisted,

Resistance to
health officer.

or threatened with forceful resistance, such health officer shall make affidavit before the judge of any court of record, the judge of probate, or any justice of the peace of said county that said forceful resistance has been made, or threatened, whereupon, the officer before whom said affidavit has been made shall forthwith issue his warrant directed to the sheriff, or to any bonded constable of said county, commanding said sheriff, or constable, to remove or abate under the direction of said health officer said unsanitary condition, or source of infection, or offensive or indecent material or thing, or to remove said afflicted person, and it shall be the duty of said sheriff, or constable, to whom said warrant shall be delivered to promptly execute the same. In executing every such warrant the said sheriff, or constable, shall have the right to enter by force into any such lot, piece of ground, house, or vessel, or upon any such pond, lake, or stream.

Landlords, or lessors, must notify tenants or lessees of infected houses.

722. It shall be unlawful for the owner of a house, in which a case of any of the diseases enumerated in section 716 of this Code has existed, or for an agent representing such owner, to lease, or sell, such house, or part of a house without first notifying the proposed lessee, or purchaser, of the fact; provided that such notification may be omitted in case the owner, or agent, holds a certificate from the health officer in whose jurisdiction such house, or part of a house, is located to the effect that it was after having been infected thoroughly and scientifically disinfected.

Inspection of places where food is sold. State board of health to prescribe regulations for inspection of.

723. The State board of health shall prescribe rules and regulations for the inspection and operation of all grocery stores, vegetable stores, delicatessen stands, meat stands, restaurants, dining cars, lunch stands, eating places, hotels, rooming houses and public dining rooms and other like places, together with pantries, kitchens and yards belonging thereto, and shall furnish copies of said rules and regulations to county boards of health and to county health officers, whereupon it shall be the duty of said county boards of health and county health officers, to enforce such rules, and the county health officer, or if there be none, the county board of health, is hereby given authority to close any of the places named in this section which are kept in an insanitary condition, or if

County boards of health to enforce rules.

the owner or manager of same violates said rules and regulations. When such place is closed to the public by the county health officer it shall not be reopened until his written permission is obtained. In the event that any establishment named in this section should be closed by order of the county health officer the owner thereof shall have the right to appeal to the county board of health. Such board shall investigate such cases and affirm or reverse the action of the county health officer. Once every month the county health officers may announce publicly all places inspected during the previous month which have been found in good sanitary condition. In any particular case under this section, the State board of health and the State health officer may, if in their discretion the special circumstances make it advisable, take out of the hands of the county board of health and the county health officer the enforcement of this section and proceed themselves to enforce it, the State board of health acting in the place of the county board of health and the State health officer in the place of the county health officer.

Places inspected to be announced monthly.

724. When complaint is made in writing to the health officer of a county, incorporated city, or town, that the interment or cremation, of the body of a deceased person has been withheld or delayed until such body has become grossly offensive, or is likely to become a source of danger to the health of others, said health officer shall carefully investigate the facts, and if they be such as are alleged in the complaint, he shall make affidavit thereto before the judge of probate of said county, whereupon such judge of probate shall issue a warrant addressed to the sheriff of said county commanding him to proceed forthwith at the expense of the estate of the deceased person, or if the body be that of a married woman, at the expense of her husband, or if the body be that of a minor, at the expense of the parents, or guardian, of such minor, or if the body be that of a pauper, at the expense of the county, incorporated city, or town, in which the deceased person may be found, to cause the body of such deceased person to be interred, or cremated, according to the wishes of the nearest relative or relatives of the deceased person; and the sheriff to whom said warrant is delivered shall promptly execute the same. In the execution of said warrant the said sheriff shall have the right to

Interment, when too long delayed.

summon such assistants as may be needed, provided that in the interment of the body of a person who has died of an infectious, contagious or pestilential disease, the said sheriff shall, if practicable, summon such persons as have had and have recovered from the disease of which the deceased person died, and provided, further, that nothing in this article shall apply to the body of a deceased person upon which a coroner's inquest has been, or should be, ordered.

Transportation of the bodies of deceased persons.

725. The State Board of Health shall prescribe the rules and regulations under which the bodies of deceased persons may be brought into, or transported through, the State; and also the rules and regulations under which such bodies may be transported from one county to another in this State, but the said State Board of Health may, in its discretion, forbid the conveyance of the bodies of persons who have died of infectious, contagious, or pestilential diseases into, or through this State, or from one county to another county in this State. This section shall not be so construed as to prevent county boards of health from regulating the transportation of the bodies of deceased persons within their respective county limits.

Location and extension of cemeteries.

726. Whenever it is proposed to locate a cemetery, or to extend the boundaries of an existing cemetery, the party, or parties, so proposing shall make written application to the judge of probate and commissioners of the county, or to the mayor and council of an incorporated city or town, according to whether said cemetery, or extension of a cemetery, is to be located in the jurisdiction of one or the other of these authorities, describing accurately the location and boundaries of the proposed cemetery, or extension of a cemetery. Before acting upon the application, the judge of probate and commissioners of the county, or the mayor and council of the incorporated city or town, as the case may be, shall refer the application to the board of health of the county, for investigation from a sanitary standpoint. In making such investigation the county board of health shall take into consideration the proximity of the proposed cemetery, or extension of a cemetery, to human habitations, the nature of the soil, the drainage of the ground, the danger of pollution of valuable springs and streams of water, and such other conditions and surroundings as would bear

Duty of county board of health.

upon the sanitary aspect of the situation. Having completed its investigation as promptly as can be done, the county board of health shall submit a report to the judge of probate and commissioners, or to the mayor and council, as the case may be, and either approve, or disapprove, the application. If the latter, the board shall set forth at length its reasons for such disapproval. Having received the report from the county board of health, the judge of probate and commissioners, or the mayor and council, as the case may be, shall either grant, or deny, the application, giving due weight in reaching either conclusion to the views expressed by the county board of health. Should the application be granted, the judge of probate and commissioners, or the mayor and council, as the case may be, shall issue to the party, or parties, making the application, and in such form as they may prescribe, a license to establish, or extend, the cemetery in question. The said license shall, upon the payment of fifty cents by the party, or parties, making the application, be recorded in the office of the judge of probate of the county.

727. In the administration of the public health and quarantine laws of the State, the appointment of all subordinate officers and employees shall be made by the health officer, or officers, in authority, subject, however, to the approval of the State Board of Health, or of a county board of health, in accordance with their respective jurisdictions. All expenditures, except such as are provided for by specific appropriations, shall be under the control of the Governor, the judge of probate and commissioners, or board of revenue, or of the municipal authorities, according as such expenditures are made under State, county, or municipal authority.

Sanitary regulations; expenses.

728. When an expense has been incurred by any health officer, sheriff, or bonded constable, in the execution of the duties required by the provisions of this Article, said health officer, sheriff, or bonded constable, as the case may be, shall have the right of action against the person responsible for the said expense, in order to recover the same, provided that no more than is fair and reasonable shall be recovered, as the court or jury shall determine.

Recovery of expenses by health officer, sheriff, etc.

729. All laws and parts of laws in conflict with the provisions of this article are repealed, but nothing in this article shall be so construed as to amend, or repeal, any

Repeal of laws in conflict; state quarantine and local laws not repealed.

State quarantine law, or any local public health, or quarantine, law applying to a county. Nothing herein contained shall be construed to repeal any local law regulating nuisances to the public health.

Record of marriages furnished board by probate judge.

730. Within the first five days of each calendar month it shall be the duty of the judge of probate of each county in this State to forward to the State Board of Health, at Montgomery, on blank forms to be supplied by said board, reports of all marriages that have occurred in the county for the preceding month. For this service the judge of probate shall be entitled to a fee of twenty-five cents for each marriage reported, such fee to be paid by the person obtaining the marriage license. In no case shall a license fee in any county, including the fee of twenty-five cents, exceed two dollars (\$2.00).

Record of divorces furnished board by registers and clerks.

731. Within the first five days of each calendar month it shall be the duty of the clerk, register, or clerk and register, of each court having equity jurisdiction in this State to forward to the State Board of Health, at Montgomery, on blank forms to be supplied by said board, reports of all divorces that have been granted in the county or district for the preceding month. The register, or clerk, or register and clerk of each said court shall be entitled to a fee of fifty cents for each divorce reported, said fee to be paid by the person applying for the divorce.

Conflict between municipal and health laws provided for.

732. In the event that any of the provisions of any general municipal bill which may be enacted by the legislature of the session of 1907 shall be in conflict with any of the provisions of this article, or the general health and quarantine laws of the State, the provisions of this article and of such general health and quarantine laws shall prevail.

Appropriation.

733. The following appropriations are hereby made to the State Board of Health (1) the sum of Eight Thousand (\$8,000) Dollars, payable September 30, 1919, which sum of money is hereby appropriated for the purpose of repaying money already expended by the State Health Officer in establishing venereal clinics, and in forwarding State health work in other necessary directions; provided, however, that this appropriation shall not be held to include or supersede the balance of the regular appropriation for the fiscal year ending September 30, 1919;

(2) the sum of two thousand one hundred eighty-three dollars and thirty-three cents (2,183.33) payable on August 1, 1919, and a like sum payable on September 1, 1919, and a like sum payable on October 1, 1919; (3) for the fiscal year beginning October 1, 1919, the sum of ninety thousand dollars (\$90,000.00) and for the fiscal year beginning October 1, 1920, the sum of one hundred twenty-five thousand dollars (\$125,000) and for the fiscal year beginning October 1, 1921, the sum of one hundred fifty thousand dollars (\$150,000), and a like sum for each fiscal year thereafter, all such sums being payable in monthly installments. All of said sums except the three sums specifically appropriated for combating venereal diseases are for the general use of said board. All said sums shall be paid to the State health officer on his requisition approved by the governor, and through warrants drawn by the auditor on the treasurer.

An itemized account of all expenditures made by said board shall be rendered annually to the governor. The sums appropriated for the general use of said board shall be expended for the following purposes: (1) to supervise the execution of the health laws of the State; (2) to supervise the collection of vital, mortuary and disease statistics of the State and to tabulate the same for publication; (3) to furnish all such blanks, envelopes, record books, stationery and postage as may be needed for the collection, tabulation and filing of the vital, mortuary and disease statistics of the State; (4) to conduct a bacteriological laboratory for furnishing the most modern scientific aids in the diagnosis and treatment of diseases; (5) to conduct a Pasteur institute for the free treatment of all residents of the State who may be bitten by rabid animals and who may apply for treatment; (6) to conduct campaigns for education as to the causation, propagation and prevention of tuberculosis, hookworm disease, typhoid and malarial fevers, and other preventable diseases; (7) to conduct campaigns for the extermination of tuberculosis, hookworm disease, typhoid and malarial fevers, and other preventable diseases, in so far as this may be accomplished; (8) to conduct campaigns for the education of the people as to sanitary methods to be employed in securing pure milk and pure drinking water; (9) to distribute bulletins, leaflets, etc., giving informa-

State health officer to render itemized statement to governor annually.

Purposes for which moneys may be expended.

tion in regard to preventable diseases; (10) to provide an equipment for a field hospital to be used for isolating and treating cases of infectious and pestilential diseases that may occur in, or be imported into, the State, (11) to establish one or more depots of supply of diphtheritic antitoxin in every county of the State, said antitoxin to be furnished free of cost to all persons unable to provide themselves with the remedy, when needed; (12) to provide an equipment for disinfecting houses and other places under urgent and special conditions; (13) to execute through its board of medical examiners the law regulating the practice of medicine in the State; (14) to enable the State board of health to secure legal advice and assistance, when needed, in the execution of the health and quarantine laws of the State; and also to enable the State board of medical examiners to obtain legal advice and assistance, when needed, in executing the law regulating the practice of medicine in the State; (15) to provide an equipment for illustrating popular lectures on the causes, modes of transmission, and prevention of diseases, said lectures to be delivered under the auspices of the State board of health; (16) to employ such clerks, agents and other employees, and to purchase such property, materials, and supplies, and to enter into such contracts as may be considered expedient by said board in discharging its duties, or assisting in the discharge of the duties of other boards or officials having duties in connection with any of the health laws of the State.

Section 21. That all laws and parts of laws in conflict herewith be and the same are hereby repealed; provided, however, that nothing herein contained shall be construed to repeal any existing laws, or to affect any statute, unless the same has been, and is, specifically mentioned herein.

CHAPTER 22.

ARTICLE 2.

Municipal and
county author-
ities may es-
tablish
hospitals.

734. The corporate authorities of any town or city, and the court of county commissioners, or board of revenue, of any county may establish within the town or city, or within the county, hospitals, temporary or permanent, for the reception of the sick or infirm, or of persons sus-

pected to have infectious or contagious diseases, and may make all needful rules and regulations for the control and management thereof, and shall have authority to confer by contract upon any institution for the instruction of students of medicine located in the city, town, or county in which such hospital is situated, upon such terms and for such number of years as they may determine, the right to select the visiting staff of physicians to such hospital for the collegiate course of each year and to hold clinics on the patients therein and have its students attend such clinics. The corporate authorities and the court of county commissioners, or board of revenue, may unite in the establishment of such hospitals, if deemed expedient, making them common for the use of the town or city and of the county, and in the making of rules and regulations for the control and management thereof, and shall jointly have the same power and authority above conferred upon each.

735. The board of revenue or court of county commissioners of any county in this State having a population of over twenty-five thousand people is authorized and empowered to make appropriations out of their county treasury to aid in maintaining and taking care of sick and wounded persons who are unable to provide for themselves in any hospital maintained in their respective counties exclusively for the care of sick and wounded.

Counties may care for sick and wounded.

CHAPTER 22.

ARTICLE 3.

QUARANTINE LAWS

736. Quarantine shall be proclaimed and enforced by the State, by counties, and by incorporated cities and towns, in accordance with the provisions of this article.

Quarantine; how proclaimed and enforced.

737. Whenever in this article rights are granted to, or duties imposed upon, the State Board of Health, or a county board of health, such rights may be exercised and such duties performed by the committees of public health and health officers, respectively, of said boards, as their legal and accredited agents.

Quarantine executed by committees of public health and health officers.

Duty of
governor to
proclaim
quarantine.

738. The Governor, whenever he deems it necessary, or whenever so advised by the State Board of Health, shall proclaim quarantine, and, when proclaimed, said Board of Health shall enforce such quarantine under such regulations as may, from time to time, be prescribed.

Authority of
health officer
to investigate
as to necessity
for
quarantine.

739. The State Health Officer, or any other member of the State Board of Health designated by him, or by the president of the State Board of Health, or by the State committee of public health, may go into any place in this State for the purpose of making such investigations as shall determine the necessity for quarantine. Quarantine may be established pending such investigation, or upon authentic information of the existence of a quarantinable disease at any place from which such disease is likely to invade the State, or any portion thereof.

Refusal of in-
vestigation
ground for
declaring
quarantine.

740. Should permission for such investigation into the nature of a disease as that provided for in the preceding section be refused by the authorities of any place outside of this State, such refusal may constitute ground for declaring quarantine against such place.

Detention
ground; if
without town
or city limits
assent of
county com-
missioners
necessary.

741. The authorities of any incorporated city or town may establish a place of detention for persons who may come from territory under quarantine by such incorporated city or town, but if the place selected be without the limits of the town or city the assent of the commissioners of the county in which such place is located must be obtained.

Quarantine
authority of
state.

742. The quarantine authority of the State shall be paramount to that of any county, city, or town therein.

paramount.
State quaran-
tine officers
and guards
permitted to
pass quaran-
tine lines.

743. All State quarantine officers and guards, upon presentation of such credentials and compliance with such regulations as may be prescribed by the State Board of Health, shall be permitted to pass all quarantine lines established by county, city, or town authority.

Modifica-
tions of, or
additions to,
quarantine
regulations,
how made.

744. When proclamation of quarantine has been issued by the Governor, the State Health Officer may, subject to the approval of the State Board of Health, amend the regulations originally adopted, and may add to, or take from, the territory under quarantine, provided that he reports to the Governor all amendments and changes made, together with the reasons therefor.

745. During the existence of quarantine, State or local, the supervision of all trains, steamboats, and water craft affected by such quarantine, shall be placed under the State Board of Health; and the quarantine authorities of any county, incorporated city or town traversed by such roads, or to which such steamboats or water craft shall ply, may refuse to receive freights, mails, or express matter from a place infected with a quarantinable disease, of which refusal the said authorities shall give the State Health Officer immediate notice.

Trains, steamboats, etc., under supervision of state board of health.

746. Railroad trains and water craft shall be permitted to pass with open windows, if the passengers and crews thereon so desire, and to stop for fuel, water, and provisions at such stations or landings as are as remote as practicable from thickly inhabited places.

Trains and water craft permitted to pass with open windows, and to stop for fuel, water, and provisions.

747. Any person who makes affidavit before a quarantine officer, or guard, engaged in enforcing quarantine for the protection of a place which said person wishes to enter, and who furnishes such other evidence as may be prescribed by the State Board of Health, that he has not since the appearance of a quarantinable disease, then existing, been in any place against which quarantine has been legally proclaimed, shall be permitted to enter, and remain in, the place then under quarantine by the authority of the State, or by that of a county, city, or town, with the approval of the State Board of Health, and who has since complied with the requirements as to detention and disinfection, one or both, prescribed, or approved, by the State Board of Health, and who shall make affidavit thereto, and furnish such other evidence thereof, as said board may prescribe, or demand, shall be permitted to enter, or remain in, any place in this State.

Affidavits by persons desiring to enter certain places.

748. Upon the recommendation of the board of health of a county, and subject to the approval of the State Board of Health, quarantine may be proclaimed for a county by the probate judge thereof, or in case of his inability to act, then by the presiding officer of the board of commissioners, or revenue, and for an incorporated city or town by the mayor, or chief executive officer thereof. In case of emergency, quarantine may be proclaimed by said officers without such recommendation, subject, however, to approval, modification, or withdrawal by the board of health of the county.

County and municipal quarantine; how proclaimed.

County, or
municipal
quarantine
enforced by
county, or
municipal,
health officer.

749. When quarantine has been proclaimed for a county, incorporated city or town, in accordance with the provisions of this article, its enforcement shall be entrusted to the health officer of the county, or town, respectively, the administration of any one, or all, of whom shall be subject to the approval of the board of health of the county.

Quarantine
against part
of county.

750. When a contagious or infectious disease of quarantinable nature exists in a part of a county, the remainder of the county and any incorporated city, or town, therein may establish quarantine against the infected portion, or portions, of the county in accordance with the following provisions: If a majority of the committee of public health, acting for the board of health of the county, reside in the uninfected portion of the county, such majority shall have the powers of the full committee, as defined in the preceding sections of this article. If, however, a majority of the said committee reside in the infected portion of the county, then, said committee can no longer act, and in that event the uninfected portion of the county may establish quarantine as follows: The judge of probate, the president, or any two members of the board of commissioners, or of revenue, if they, or either, reside in the uninfected portion of the county, may issue in the order named and upon the recommendation of the county health officer, in case he resides in the uninfected portion of the county, or in default of such residence, or on account of his absence from the county, then, without such recommendation, a proclamation of quarantine against the infected portions of the county, subject to approval, or modification, by the State Board of Health. Likewise, the mayor or chief executive officer of any incorporated city or town in the uninfected portion of the county, may issue, on the recommendation of the health officer of his city, or town, or in the absence of such officer, then without such recommendation, a proclamation of quarantine against the infected portion of the county, subject to approval or modification by the State Board of Health.

Enforce-
ment of
quarantine
against part
of county.

751. A proclamation of quarantine issued in accordance with the provisions of the foregoing section by the judge of probate, the president, or any two members of the board of commissioners, or of revenue, for the protec-

tion of a portion of a county, shall be enforced by the health officer of the county, provided that he resides in the uninfected portion of the county, but in case he does not reside, or in the event of his absence or disability, then such proclamation shall be enforced in such way as the officer issuing the same may direct. A proclamation of quarantine issued by the mayor or chief executive officer of any incorporated city or town, in accordance with the provisions of the foregoing section, shall be enforced by the health officer of the city or town, and in case of his absence or disability, then in such way as the officer issuing the proclamation may direct.

752. The expense of enforcing any quarantine for a county, or for a portion thereof, as provided for in the preceding sections, shall be defrayed by the court of county commissioners or of revenue of the county; that incurred in conducting a quarantine for an incorporated city or town shall be defrayed by the authorities of the city or town declaring quarantine.

Expense of enforcing quarantine; how paid.

753. Should a person who has been legally placed in detention by a quarantine officer attempt to make his escape, such person may be forcibly detained; or, should such person make his escape, complaint on oath may be made before the judge of probate, or a justice of the peace, by the officer in charge, or by one of his assistant officers, whereupon, such judge of probate, or justice of the peace, shall issue his warrant, authorizing a sheriff, bonded constable, or other lawful officer, or arrest and deliver such person into the custody of the quarantine officer in charge of the place of detention.

Escapes from quarantine.

754. Every quarantine declared or established by the authority of any county, incorporated city or town, in this State, together with the regulations prescribed thereunder, shall forthwith be reported to the State Health Officer by the health officer of the county, city, or town establishing, or conducting, such quarantine.

Quarantine, when declared reported to state health officer.

755. Written authority to act as quarantine officer for this State, or for any county, incorporated city or town, therein conducting a quarantine approved by the executive officer of the State Board of Health, shall entitle the holder thereof to board any railroad train—passenger or freight—and any steamboat, or other water craft, in this

Rights of quarantine officers to board trains, steamboats, etc., and to ride thereon free of charge.

State, and ride thereon, free of cost, to such place or places as the discharge of his duties may demand.

Appropriation for quarantine purposes.

756. The sum of twenty thousand dollars, or so much thereof as may be necessary, is annually appropriated to defray the expenses that may arise under the operation of this article, the said appropriation, or any part thereof, to be paid by the State treasurer on warrants issued by the State auditor, these to be based on requisitions signed by the State Health Officer and approved by the Governor. The State Board of Health shall annually make to the Governor a report by items of all expenditures incurred under this article.

EXEMPTIONS FROM ROAD DUTY.

Persons exempt

5778. All women, and all men under the age of eighteen and over the age of forty-five years; all persons who have lost an arm or leg; and all persons who by nature, or disease, are rendered incapable of hard labor, who shall procure a certificate of such incapacity from the county board of health, are exempt from working on public roads, but where there is no county board of health the certificate of such incapacity by two reputable practicing physicians shall be sufficient.

LAW REGULATING THE PRACTICE OF MEDICINE

PENAL STATUTE

Code of Alabama 1907, Vol. 3, Sec. 7564

7564. Any person who treats, or offers to treat diseases of human beings in this State by any system of treatment whatsoever, without having obtained a certificate of qualification from the State Board of Medical Examiners, shall be guilty of a misdemeanor, and upon conviction, shall be fined for each offense not less than fifty nor more than five hundred dollars and may be imprisoned for not less than one month nor more than three months. And where indictments are preferred by a grand jury such cases shall only be tried in the court wherein the indictment is preferred, and shall not be transferred to any other court.

Practicing
medicine
without
license; pen-
alty for.

Vol. 1 of the Code, Chapter 39

1626. The Board of Censors of the Medical Association of the State of Alabama, as constituted under the laws now in force, or which may hereafter be in force, is hereby constituted a State Board of Medical Examiners and is hereby charged with the duties and clothed with the powers hereinafter prescribed.

Board of med-
ical exam-
iners.

1627. An applicant for a certificate of qualification to treat diseases of human beings by any system of treatment whatsoever shall, according to rules prescribed by the Medical Association of the State of Alabama, be examined in the following named branches of medical learning, to-wit., Chemistry, anatomy, physiology; the etiology, pathology, symptomatology, and diagnoses of diseases; obstetrics and obstetrical operations; gynecology; major and minor surgery; physical diagnosis; diseases of the eye, ear, nose, and throat; and hygiene and medical jurisprudence.

Branches of
learning
included in
examination.

1628. An applicant shall, before being permitted to enter upon an examination fill out an application blank,

Application
for exam-
ination.

giving his name, age, residence, and such other data as the State Board of Medical Examiners may require. The applicant shall make affidavit that he is the person he represents himself to be, and that he will faithfully observe all rules governing the examination. Any member of the State Board of Medical Examiners, or the supervisor of examinations appointed by said board, may administer the oath prescribed. The board shall have the right to refuse to examine a person whose reputation is such as to render him unworthy of membership in the medical profession.

Certificate to
practice
medicine.

1629. When an applicant who has undergone examination shows such a standard of proficiency in the branches of medical learning enumerated in section 1627 of this Code as has been, or may be, fixed by the Medical Association of the State of Alabama, a certificate of qualification, in form to be prescribed by the said Association, shall be issued to the applicant, which certificate shall entitle the holder to treat any diseases of human beings he may be called upon to treat in accordance with the teachings of the school or sect of medicine to which he belongs.

Major sur-
gery; may be
omitted from
examination.

1630. When an applicant states in writing that he does not propose to practice major surgery, said applicant shall be exempt from examination in said branch of major surgery, and should his proficiency in the other branches of medical learning named in section 1627 of this Code reach the standard established by the Medical Association of the State of Alabama, a certificate of qualification, in form to be prescribed by said Association, shall be issued to such applicant, which certificate shall entitle him to treat any diseases of human beings he may be called upon to treat in accordance with the teachings of the school or sect of medicine to which he belongs, provided that the holder shall not be entitled to perform the operations of major surgery, and that this restriction shall appear on the face of his certificate.

Other exam-
inations al-
lowed on
failure.

1631. When an applicant fails to attain the standard of proficiency prescribed by the State Medical Association his examination shall be deemed unsuccessful. Such applicant shall, however, be entitled to another examination at any time after the expiration of six months from the date of the preceding examination.

1632. A physician who receives a certificate of qualification shall within ten days after locating in a county file said certificate in the office of the Judge of Probate of such county for record, and should said physician remove his residence to another county he shall within said time have his certificate re-recorded in that county. Any failure on the part of the holder of a certificate of qualification to comply with the provisions of this section within ten days after written notice so to do by the chairman of the county board of health shall render such certificate null and void. A physician may voluntarily surrender his certificate to the State Board of Medical Examiners if he does so in writing with two witnesses. Notice of such surrender shall be given by said Board to the Judge of probate of each county in which the certificate is recorded.

Certificate
filed in probate
office.

1633. The judge of probate of a county shall provide a blank book, of suitable size, to be called the "Register of Physicians," in which book shall be recorded all certificates of qualification filed by the physicians of the county. The fee for recording each certificate shall be fifty cents. At some time between the first and tenth of January of each year the said judge of probate shall forward to the State Board of Medical Examiners a full report of the names of all physicians, together with their postoffices, whose certificates have been recorded in his office for the preceding year; and if any physician whose certificate was so recorded shall have removed from the county, or shall have died, the place to which such physician has removed, if known, or the date of the death, as the case may be, shall be reported.

Register of
licensed physicians
to be kept by probate
judge.

1634. The State Board of Medical Examiners may establish reciprocal relations with similar boards of other states in reference to the issuance of certificates of qualification, provided that such reciprocal relations shall not be established with the state board of examiners of any state that does not require examination upon substantially the same branches of medical learning as those enumerated in section 1627 of this Code, and does not maintain a standard of proficiency at least equal to that maintained by the State Board of Medical Examiners of this State. When such reciprocal relations have been established a certificate of qualification may be issued without exami-

Board of
medical examiners
may reciprocate
with boards of
other states.

nation to a person who presents evidence that he has complied with the requirements of a reciprocating state board of medical examiners, provided that on the face of such certificate a statement shall appear that it was issued *pro forma*, and without examination.

Physicians of adjoining states; regulations as to practice in this state.

1635. A physician who resides in an adjoining state, near the border of this State, shall be allowed the privilege of practicing in any county of the State into which his practice may extend, without examination, provided that he holds a certificate of qualification from his own state board of medical examiners and causes said certificate to be placed on record in the office of the judge of probate of the county or counties in this State into which his practice extends, and provided that he shall not open an office or establish a place in this State at which calls may be left for him. A similar privilege shall be accorded to a licensed physician of any State who may be called into this State in consultation with a physician, except that such consulting physician shall not be required to place his certificate of qualification on record.

License may be issued to surgeons and assistant surgeons of United States without examination.

1636. The State Board of Medical Examiners may issue to a surgeon or assistant surgeon of the United States Army or Navy or of the United States Public Health Service a certificate of qualification without examination, provided that such surgeon or assistant surgeon presents to said board a commission or other satisfactory evidence showing that he is such medical officer; and may issue a certificate of qualification without examination to any one filing a certificate of proficiency issued by the National Examining Board; but upon the face of the certificate so issued it shall appear that the certificate was issued *pro forma* and without examination.

Revoking certificate of qualification to practice medicine.

1637. The State Board of Medical Examiners may revoke a physician's certificate of qualification to practice medicine for any of the following: (1) Using spirituous, vinous, or malt liquors, or morphine, opium, cocaine, or other stimulants or narcotics to such an extent as to render him unsafe or unreliable as a practitioner; (2) Being guilty of gross immorality that would tend to bring reproach upon the medical profession of the State; (3) Being guilty of unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health; (4) Advertising himself or his prac-

tice, whether through newspapers or other periodicals, or by circulars, or otherwise, in such manner as tends to mislead or deceive the public in matters pertaining to health; (5) Inducing, or aiding in inducing, or attempting, or aiding in an attempt, to induce a criminal abortion or a criminal miscarriage, or a criminal premature delivery of a woman, provided that inducing, or aiding in inducing, an abortion, or a miscarriage, or a premature delivery of a woman, when done for the purpose of saving her life, shall not be deemed criminal, but before resorting to any of said methods of saving a woman's life the attending physician shall use due diligence to obtain the advice of one or more consulting physicians; (6) Performing an operation of major surgery when his certificate of qualification does not entitle him so to do; (7) Being convicted in any court anywhere, while holding a certificate of qualification to practice medicine, of any offense involving moral turpitude, whether committed under color of his professional duty, or connected therewith, or not.

1638. Whenever written complaint is made to the State Board of Medical Examiners that a physician has committed any of the acts, or come within any of the disabilities, enumerated in the preceding section, it shall be the duty of said board to hear and determine said complaint; the hearing to be held at such place or places in the State of Alabama, and at such time or times, as the board may decide upon from time to time, provided that the person whose qualification is under consideration may elect to have said hearing solely in the county in which he resided at the time the complaint was filed. The person whose qualification is under consideration shall have not less than twenty (20) days written notice of the time and place of the initial hearing, which notice shall be accompanied by a copy of the complaint. Said notice may be served by any sheriff of the State of Alabama, or by any member of the Medical Association of the State of Alabama, and if served by a member of said Association the return of service shall be sworn to by said member before some officer authorized to administer affidavits. But if said person is out of the State, or evades service, or cannot be served in person, then the service may be made by mailing a copy of the complaint and of the notice

Investigation
as to revoca-
tion of certifi-
cate of quali-
fication.

to said person at his last known postoffice address in this State, and the return shall show that service has been made in this manner. The investigation shall be held with as little publicity as practicable, consistent with a fair and impartial hearing, but said person may elect to have said hearing in public. At the hearing, the complainant and the person whose qualification is under consideration, and any other person who may be permitted so to do by the board, shall have the right to introduce all such oral testimony, or written testimony, or both, as the board may deem relevant to the issues involved, and the right to be heard in person, or by counsel, or both. The board shall have full power to permit the complaint to be amended, provided that no amendment shall be permitted that is not germane to the charge or charges sought to be amended, or that materially alters the nature of any offense charged, or that of any essential specification under a charge. The board shall have the right to determine all questions as to the sufficiency of the complaint, as to the procedure, and as to the admissibility and weight of evidence. If the person whose qualification is under consideration absents himself the hearing may proceed in his absence. To any such hearing witnesses may be subpoenaed by the board on its own motion, or on demand of either side, by subpoenas signed by the chairman of the Board of Medical Examiners, or by the person at the time discharging the duties of said officer, and such subpoenas may be served by any sheriff of the State of Alabama, or by any member of the Medical Association of the State of Alabama, and if served by a member of the said Association the return of service shall be sworn to by said member before some officer authorized to administer affidavits. Witnesses may be sworn by said chairman or said person discharging the duties of said chairman. Any witness failing to attend shall be liable to a penalty of not less than ten, nor more than one hundred dollars, to be recovered by the Board of Medical Examiners if the witness were summoned on behalf of the complainant, or by the person whose qualification is under consideration if the witness were summoned on his behalf, by suit in any court of competent jurisdiction. In any such suit the witness may offer in bar of said suit, and have the validity thereof passed upon, any excuse he

Witnesses
may be sub-
poenaed.

Failure of
witness to
attend;
penalty for.

may have for such non-attendance. In any such suit the return on the subpoena and a certificate of the non-attendance of the witness by the chairman of the Board of Medical Examiners, or the person at the time discharging the duties of said chairman, shall, respectively, be *prima facie* evidence of said service of subpoena and said non-attendance. Any witness attending any such hearing shall immediately upon his discharge as a witness be paid by the board two dollars per day for his attendance and the actual cost of his transportation to and from the place of hearing, not exceeding three cents for each mile traveled, to be paid out of the funds of the State Board of Health. If the board is of the opinion that the number of subpoenas desired by said person whose qualification is under consideration is unreasonable, it may, for the witnesses above what it considers a reasonable number, require of said person a deposit with which to pay the mileage and per diem of said witnesses. After the hearing the board may return to said person that portion of said deposit which was for witnesses whose evidence shows that they were not unreasonably summoned. Evidence by deposition may also be taken, the commission being issued by the chairman of the board, and the law and practice as to depositions in courts shall be followed in all reasonable respects; and no such deposition shall be suppressed if fairly taken and no injustice will result from its admission. Whenever it has been established by the judgment of a court of competent jurisdiction that a physician has committed any of the acts, or come within any of the disabilities, enumerated in the preceding section, the filing of a certified copy of such judgment with the board shall be sufficient to justify the revocation of his license without further hearing, unless the board is of the opinion that fairness to said physician requires that a regular hearing be held. An appeal may be taken to the circuit court or court of like jurisdiction of the county in which the person whose certificate is ordered revoked from any order revoking a certificate of qualification made by said board within thirty (30) days after the rendition thereof. Any person desiring to take an appeal under this section shall within thirty (30) days after such order revoking such certificate has been made, file in the office of the clerk of the court to which

Witness fees
and expenses.

Evidence by
deposition.

Conviction in
criminal
courts suffi-
cient cause
for revocation
of certificate.

Appeal to
courts from
order revoking
certificate.

such appeal is taken, a statement in writing setting forth the fact that such order revoking such certificate has been made, and the ground or grounds upon which such order revoking such certificate was made, and the names and residences of the persons constituting such board, and shall also file with such written statement a bond to be approved by the clerk of such court conditioned to pay the costs of the appeal if judgment be rendered against the party making such appeal; and, thereupon, the clerk of such court shall issue a citation to the chairman or acting chairman of such board requiring him on behalf of such board to appear before such court at a time to be named in such citation, not earlier than twenty days after the service of such citation and not later than the next succeeding term of such court, provided that such appeal is not taken within thirty (30) days next preceding the succeeding term of such court, in which event such citation may be made returnable to the next term of the court to be held after such succeeding term. If an appeal is taken, under the provisions of this section the cause shall be docketed in the name of the chairman of such board as plaintiff, with the name of the party whose certificate has been revoked as defendant; and the plaintiff in such cause shall, under the direction of the board file in said court a written statement signed by him as chairman, or by the attorney of the board, setting forth specifically the charges against the said defendant and the reasons why the certificate of qualification should remain revoked, and the defendant shall take issue thereon by pleading the general issue. Thereupon the cause shall be tried *de novo* and if judgment in said cause is rendered in favor of the plaintiff the court shall enter a judgment affirming such order revoking such certificate, and shall tax the defendant with the costs of such cause; if judgment is rendered in favor of the defendant the court shall make an order vacating such order revoking such certificate and shall tax the costs of such cause against the plaintiff. Upon a demand in such court in writing by either party to said cause all the issues of facts in said cause shall be submitted to a jury to be selected, empanelled, and sworn as other juries are selected, empanelled, and sworn in civil cases. The plaintiff, or defendant, may appeal to the supreme court of Alabama from any judgment ren-

In case of
appeal, cause
to be tried
de novo.

dered in said cause by said court in the same manner as appeals are now taken to the supreme court in civil cases. Upon such appeal there shall be furnished in the bill of exceptions a complete statement of all the evidence taken in the trial of the cause in the court below and the supreme court shall upon such evidence render final judgment in the case, either by affirming the judgment, or by reversing and rendering such judgment as the supreme court may deem proper in the case.

1639. The Board of Medical Examiners of the State of Alabama shall not order the revocation of the certificate of qualification of a physician unless at least eight (8) members of the board are present at the time such order is made, nor then if two or more of those present vote against such order. Whenever the State Board of Medical Examiners decides to revoke a certificate of qualification said board shall issue an order of revocation and shall give written notice thereof to the judges of probate of the counties in which such certificate is recorded, provided that if said Board of Medical Examiners receives written notice of appeal from its decision in accordance with the preceding section it shall withhold said notice of revocation from such judges of probate until such time as the result of the appeal becomes known. Whenever a judge of probate receives a written notice from the State Board of Medical Examiners that a certificate of qualification of a physician which is on record in his office has been revoked he shall cause an entry to be made on the margin of such recorded certificate to the effect that upon the order of the State Board of Medical Examiners the certificate has been revoked and entering at the same time the date of revocation. If a judge of probate receive notice from the State Board of Medical Examiners that the certificate of qualification of a physician residing in his county has been revoked, and if the certificate of qualification of such physician has never been placed on record in his office, he shall cause notice of the revocation of such certificate to be spread on the record book in which the certificates of qualification of physicians in the county are recorded.

Revocation
and notice to
judges of
probate.

1640. Whenever the certificate of qualification of a physician has been revoked it shall be unlawful for him to practice medicine in this State, provided that the State

Effect of
revocation;
issue of new
certificate.

Board of Medical Examiners may issue to such physician either with or without re-examination a new certificate of qualification whenever it deems such course safe and just. Upon receipt of such new certificate of qualification it shall become lawful for such physician to re-enter upon the practice of medicine.

Examina-
tions held at
Montgomery.

1641. All examinations under this chapter shall be conducted at Montgomery, and the State Board of Medical Examiners shall fix the time at which examinations shall be held, provided that not less than two examinations shall be held annually.

Fees for ex-
amination;
payment of.

1642. The fee for an examination shall be ten dollars, which amount must be paid in advance of the examination, and to such person as the board may authorize to receipt therefor. A fee shall not be returned to an unsuccessful applicant, but such applicant shall be entitled to a second examination without paying an additional fee, provided that such second examination be obtained within one year after the date of the first examination.

Compensa-
tion of board
of examiners.

1643. After defraying all expenses of holding an examination, such as furnishing blanks, paper, postage, certificates, the services of supervisors, clerical help, etc., the remaining funds shall be equally divided among the ten members of the State Board of Medical Examiners.

Compensa-
tion for serv-
ices not recov-
erable when
certificate is
not recorded.

1644. A physician whose certificate of qualification is not on record in the county in which he resides shall not be entitled to recover at law any compensation for services rendered in treating diseases of human beings.

Records of
examina-
tions kept by
board.

1645. The State Board of Medical Examiners shall keep complete records of all examinations held by it, giving the name, age, residence, college, and date of graduation (if a graduate) of each applicant examined, together with the results of such examination, which record shall be open to inspection. The said Board of Medical Examiners shall also keep complete minutes of all of its proceedings, which minutes shall be so preserved as to be easily accessible should occasion arise for referring to them.

Domestic and
family reme-
dies excepted
from statute.

1646. Nothing in this chapter shall prohibit the administration of domestic remedies in a family by any member thereof, or prohibit any person from rendering service to a sick or injured person in an emergency, provided that the person rendering such service does not pursue the occupation of a physician.

PENAL STATUTES

CHAPTER 228.

ARTICLE 1.

HEALTH AND QUARANTINE

7049. Any head of a family, or other person, upon whose premises a case of infectious or pestilential disease occurs which is not under the charge of a physician, who refuses or willfully fails to report the same as promptly as can be done to the health officer, county or municipal, in whose jurisdiction the case is, must on conviction be fined not less than five nor more than twenty-five dollars.

Failure of head of family to report infectious or pestilential diseases.

7052. Any physician being called upon to treat a case of infectious or pestilential disease, or whose knowledge the existence of such case comes, who refuses or willfully fails to make to the health officer, county or municipal, in whose jurisdiction the case is located, a full and prompt report thereof, specifying the character of the disease, the name and locality of the patient, together with such other details as may be required by the State Board of Health must, on conviction, be fined not less than ten nor more than fifty dollars.

Failure of physician to report infectious or pestilential diseases.

7055. If the health officer, or probate judge, of the county of Escambia has good cause or suspicion to believe that yellow fever exists in either of the counties of Santa Rosa, or Escambia, in the State of Florida, and fails to report the same to the Governor of this State, he must, on conviction, be fined not less than five hundred dollars.

Failure of health officer, or probate judge, of Escambia county to report yellow fever in Florida.

7056. If the judge of probate of Escambia county, upon being notified by the Governor of this State that there is good cause for suspicion or belief that yellow fever exists in either, or both, of the counties of Santa Rosa, or Escambia, in the State of Florida, fails to take such steps as he is by law authorized to take to prevent the introduction, or spread, of contagious or infectious diseases, or to establish such hospitals, or to appoint such guards, as are necessary and suitable for that purpose,

Failure of probate judge to act upon notice of governor.

he must, on conviction, be fined not less than five hundred dollars.

Penalty for violation of quarantine regulations of ships and vessels.

7057. Any person who violates the regulations prescribed by the corporate authorities of any town or city, or by the court of county commissioners of any county, in relation to vessels arriving in the harbor, or in the vicinity of such town or city, after notice thereof has been given for five days in some newspaper printed in such town or city, or when there is none, by notice posted up at some public place therein for the same length of time, must, on conviction, be fined not less than fifty dollars.

To punish violation of health laws.

7058. Any person who violates any of the health, or quarantine laws, except those for which a special penalty is prescribed, shall be guilty of a misdemeanor, and on conviction, shall be punished as provided for in section 7622 of the criminal Code.

Refusal of information to health officer; penalty.

7059. Any master, seaman, or passenger, belonging to any vessel which has, or is believed to have, infection on board, or coming from a port where dangerous infectious disease prevails, who refuses to answer on oath inquiries relating to such infectious disease as are made by any health officer must, on conviction, be fined not less than one hundred dollars.

Breach of quarantine; penalty.

7060. The master of any vessel, ordered to perform quarantine, shall deliver to the officer appointed to see it performed his bill of health, manifest, log book, and journal; if he fails so to do, or to repair, in proper time after notice, to the quarantine ground, or departs therefrom without authority, he must, on conviction, be fined not less than two hundred dollars.

Travelers from infected district compelled to perform quarantine; breach and penalty.

7061. Any person coming into a city or town by land from a place infected with a contagious disease may be required by the health officer of such city or town to perform quarantine, and be restrained from traveling until discharged, and any person thus traveling before he is discharged, must, on conviction, be fined not less than one hundred dollars.

Disposition of fines.

7062. All fines recovered under the three preceding sections must be paid into the city or town treasury.

Removing vessel from quarantine.

7063. Any master, or other person, in charge of a vessel undergoing quarantine who shall remove or take, or who shall aid in removing or taking, such vessel from quarantine before she is given pratique, is guilty of a

misdemeanor, and must, on conviction, be punished accordingly.

7064. Any person who willfully interferes with any State quarantine officer, or guard, when in the discharge of his duty, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

Interfering with state quarantine officer or guard; penalty for.

7065. Any quarantine officer, or guard, or other person, who violates the provisions of section 747 of this Code, shall be guilty of a misdemeanor, and, on conviction shall be fined not less than fifty nor more than one hundred dollars for each offense.

Making false affidavit before quarantine officer, penalty for.

7066. Any health officer failing, or refusing, to report declaration of quarantine to State Health Officer as required by section 754 of this Code shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

Health officer failing to report quarantine to state health officer, penalty for.

7067. Any conductor of a railroad train—passenger or freight—or captain, or other officer, of a steamboat or other water craft in this State who refuses to allow a quarantine officer to ride on train, steamboat, or other water craft, free of charge, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

Conductor of train refusing to allow quarantine officer to ride on train free of charge; penalty.

7068. Any person, conductor, captain, agent, or manager, operating either for himself, or for a corporation, a railroad, steamboat, or other conveyance for the transportation of passengers, or freight, who shall knowingly transport any person, or thing, in violation of the provisions of article 3, chapter 22 of this Code, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred nor more than five hundred dollars.

Transportation in violation of provisions of quarantine law of this state.

7069. Any quarantine officer, or guard, or person assuming to act as such, who uses any violence, or displays a deadly weapon, for the purpose of intimidating people, and thus enforcing compliance with his orders, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred nor more than two hundred dollars for each offense.

Quarantine officer or guard intimidating people; penalty for.

7070. Any legal quarantine officer, or guard, may, without warrant, arrest a person who attempts to vio-

Quarantine officer or guard may arrest without warrant.

late a quarantine regulation, and carry such person either to a designated place of detention, or before an officer having jurisdiction of such offense.

False swearing as to quarantine laws.

7071. Any person who willfully swears or affirms falsely in regard to any material matter or thing involved in an oath or affirmation authorized by the quarantine laws of this State, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred, nor more than five hundred, dollars for each offense, and may also be imprisoned in the county jail for not more than six months.

Resisting arrest by quarantine officer, penalty for.

7072. Any person who knowingly and willfully resists arrest by any quarantine officer, or guard, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred, nor more than two hundred dollars, for each offense.

Penalty for violating health and quarantine laws.

7073. Any person violating any of the provisions of article 1 of chapter 22 of this Code, relating to the health laws, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than one hundred dollars, unless otherwise expressly provided for.

CHAPTER 228.

ARTICLE 2.

Selling, or exposing for sale, tainted or diseased meat.

7074. Any butcher, or other person, who sells, or offers or exposes for sale, or suffers his apprentice, servant, agent, or other person for him, to sell, offer, or expose for sale, any tainted, putrid, or unwholesome fish, or flesh, or the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, for the purpose of being sold, or offered for sale, must, on conviction, be fined not less than twenty nor more than two hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Selling, or exposing for sale, unwholesome bread.

7075. Any baker, or other person, who sells, or offers or exposes for sale, or suffers his servant, apprentice, agent, or other person for him, to sell, or expose for sale, any bread made from sour or unwholesome flour, must, on conviction, be fined not less than twenty nor more

than two hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

7076. Any person who sells, or exposes for sale, any bread, biscuit, or cracker, without having the name, or the initials of the Christian and surname, of the baker, legibly marked on each biscuit, cracker, or loaf of bread, must, on conviction, be fined not more than twenty dollars.

Selling bread without baker's name stamped thereon.

7077. Any person who counterfeits the name, or initials, of another on any bread, biscuit, or cracker, or who marks any bread, biscuit, or cracker, with any other initials, or name, than his own, must, on conviction, be fined not less than twenty nor more than fifty dollars.

Counterfeiting or using another's name on bread.

7078. Any merchant, grocer, or other person who mixes any foreign matter or substance with sugar, syrup or molasses, lard, or butter, or other article of food, so as to deteriorate or change the quality thereof, or sells, or offers or exposes for sale, such adulterated sugar, syrup, molasses, lard, butter, or other article of food, or who suffers his servant, agent, apprentice, or other person for him, to so adulterate, or sell, offer or expose for sale, such adulterated sugar, syrup, molasses, lard, butter, or other article of food, must, on conviction, be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Adulterating sugar and other articles of food.

7079. Any person who renders and manufactures, sells, offers for sale, exposes for sale, or has in his possession with intent to sell or serve to persons, guests, boarders, or inmates, in any hotel, eating-house, restaurant, dining-car, boarding-house, public or private hospital, school, or penal institution, any article, product, or compound, made wholly or partly of any fat, oil, oleaginous substance, or compound thereof, not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure, unadulterated milk, or cream from the same, must, on conviction, be fined not less than twenty nor more than one hundred dollars; but this section shall not be so construed as to prohibit the manufacture, or sale, of oleomargarine in such manner

Manufacturing or selling oleomargarine.

as will advise the consumer of its real character, free from coloration or ingredients, that cause it to look like butter, by having it stamped with its true name.

Adulterating
candies and
selling same;
special
charge.

7081. Any person, firm, or corporation that shall manufacture, or knowingly sell, or give away, or keep for sale, any candies, or confections of any kind adulterated by the mixture of terra alba, barytes, talc, or other earthly or mineral substances, or any poisonous colors, flavors, or extracts, or other ingredients injurious to health, shall be guilty of a misdemeanor, and, upon conviction thereof, may be punished by a fine of not less than fifty dollars and not more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county, for a period not exceeding six months, at the discretion of the court. This section shall be given in charge to the grand jury.

Adulterating
soda water,
etc.

7082. Any person, firm, or corporation that shall manufacture, or knowingly sell, or give away, or keep for sale, any soda water, or other soft drink or beverage sweetened or colored with any syrups or coloring matter made from any coal tar preparation, or other mineral substance, or sweetened with any other than pure fruit syrup, or pure cane or beet sugar, shall be guilty of a misdemeanor, and, upon conviction thereof, may be punished by a fine of not less than ten nor more than two hundred dollars.

CHAPTER 152.

CRIMINAL ABORTION

Attempts to
procure
abortion.

6215. Any person who willfully administers to any pregnant woman any drug, or substance, or uses or employs any instrument, or other means, or procure her miscarriage, unless the same is necessary to preserve her life, and done for that purpose, must, on conviction, be fined not more than five hundred dollars, and imprisoned in the penitentiary for not less than two, nor more than five years.

Penalty.

No. 623.)

(H. 1413—Davie.

AN ACT

To amend section 7564 of the Criminal Code of Alabama.

Be it enacted by the Legislature of Alabama:

That section 7564 of the Code of Alabama be amended so as to read as follows: Section 7564. Any person who treats or offers to treat diseases of human beings in this State by any system of treatment, whatsoever, without having obtained a certificate of qualification from the State Board of Medical Examiners, shall be guilty of a misdemeanor, and upon conviction, shall be fined for each offense not less than fifty nor more than five hundred dollars and may be imprisoned for not less than one month nor more than three months. And where indictments are preferred by a grand jury such cases shall only be tried in the court wherein the indictment is preferred, and shall not be transferred to any other court.

Practicing
medicine
without
license;
penalty for.

Approved September 22, 1915.

No. 597.)

(H. 128—McLeod.

AN ACT

To amend chapter 230 of the Code of Alabama, of 1907, relating to Hotels and Innkeepers, and to include therein Regulations of Cafes, Restaurants and Eating Places.

Be it enacted by the Legislature of Alabama: That Chapter 230, Code of Alabama, 1907, be amended to read as follows: 7094. That every building or structure, used or maintained as, or advertised as, or held out to the public to be an inn, hotel, or public lodging house or place where sleeping accommodations are furnished for hire to transient guests whether with or without meals, shall, for the purpose of this Act be defined to be a hotel, and whenever the word hotel shall occur in this act, it shall be construed to mean every such structure as is described in this section. And every building, floor or room, or rooms, or part of the building or other structure, kept, used, maintained, held out or advertised to the pub-

Hotel defined
to include
restaurants
and cafes.

lic as a restaurant or eating place for pay, without sleeping accommodations, shall be deemed a restaurant or cafe within the meaning or purview of this Act.

7094. (a) That it shall be the duty of every hotel keeper, and restaurant and cafe keeper, and of every managing officer, agent or representative of such keeper, and of every party providing like accommodations for the public: 1. To keep such establishment in a clean sanitary condition conducive to the maintenance of good health and the prevention of disease of and among its patrons and customers. 2. To have and to keep all rooms that are assigned to guests, and the furniture and furnishings therein properly cleaned, dusted and prepared, and free from vermin of any character and free from dirt and filth; to provide proper protection against mosquitoes in the sleeping room or rooms; to provide proper light and ventilation in said room or rooms, to furnish and provide clean, fresh bed linens of proper dimensions, unused by any other persons or guests since last laundering of said bed linens; to furnish clean and fresh towels unused by any other person since last laundering of said towels; to furnish soap which has not been used by any other person, and to remove all bed linens, towels, and soap that may have been used by any other person from any room or rooms before said room is, or said rooms are, occupied by any person. 3. To have such room or rooms, together with all bed clothes, coverings and all furniture and furnishings thereof, properly disinfected whenever any room or rooms have been occupied by any person or persons suffering from a contagious or infectious disease or sickness; said disinfection to be made under the rules and regulations of the State Hotel and Cafe Inspector and the State Committee of Public Health, and no such room so occupied shall be assigned to guests before a proper disinfection shall have been made. 4. Where a wash room, wash basin, wash bowl, or lavatory for public use or for the general use of guests or patrons is maintained, if soap is furnished, to furnish the same in liquid form, and if towels are furnished, to furnish a clean fresh towel to each of the persons using such wash room, wash basin, wash bowl, or lavatory, unused by any other person since it was last laundered, if said towel be of cloth; and if the towels furnished be of other material, same shall be sani-

Sanitary
condition
required.

Free from
vermin; pro-
tection from
mosquitoes.

Clean linen.

Disinfection
required.

Requirements
as to water,
soap, towels.

tary and approved by the State Hotel and Cafe Inspector and the State Committee of Public Health, and a separate towel to be furnished each person; and at no time shall said accommodations if for white people be used by other than white people, or if for negroes be used by other than negroes and separate accommodations of this kind from those provided for white must be provided for the negro employes of the establishment. 5. To screen or have screened with wire cloth or gauze (mesh not to be larger than one sixteenth inch) all doors, windows, and other openings in the kitchen, dining rooms, pantries and serving rooms where meals or foods are prepared, cooked, or served; or to use or have used other device or method approved by the State Hotel and Cafe Inspector, sufficient to keep out flies and mosquitoes; to keep all walls, floors, furniture, including tables, chairs, counters, etc.; and all utensils used in said kitchen, pantries, serving rooms and dining rooms at all times in a clean, presentable and sanitary condition, to furnish at all times neat, clean and fresh table linens to each guest or patron when being served at tables, and when napkins are furnished same shall be fresh laundered and have been unused by any other persons or guests since last laundering, if said napkins be of cloth; but if napkins are furnished be of other material, same shall be sanitary and approved by the State Hotel and Cafe Inspector, and used but one time. 6. To keep all wash rooms and lavatories, toilets, toilet rooms, closets and privies in a clean and sanitary condition and at no time to allow such closets, toilet rooms, toilet stools, toilet seats and privies to become or remain foul or filthy and the vaults thereof to become full or clogged with fecal matter, but said vaults and said privies, stools and seats thereof shall be scoured as often as necessary to keep them free from filth and vermin and sanitary; and to provide separate such accommodations for negro servants or help.

Door and window screens required.

Clean kitchen utensils; table linen, napkins.

Toilets, lavatories, privies, to be in sanitary condition.

7094. (b) That the State Hotel and Cafe Inspector, or the assistant Hotel and Cafe Inspectors when acting under his direction, shall have authority to close any hotel, cafe, or restaurant, if found guilty of violating any provision of this Act, or the rules and regulations promulgated by the State Hotel and Cafe Inspector, and the

Authority inspector to close places of violations.

State Committee of Public Health, if deemed necessary for the good of the public.

Water works and sewerage connections required where available.

When not available.

7094. (c) That in all cities, towns and villages where a system of water works and sewerage is maintained for public use, every hotel within the area of the sewerage system designated by the municipal authorities therein operated shall, within six months after the passage of this Act, be equipped with suitable water closets for the accommodation of its guests, which water closet or closets shall be connected by proper plumbing with such sewerage system, and means of flushing said water closet or closets with the water of such system in such manner as to prevent sewer gas or effluvia from arising therefrom. In all towns and villages not having a system of water works and sewerage as hereinabove provided, every hotel not provided with water works and wash rooms as herein provided, shall have properly constructed privies as approved by the State Board of Health, the same to be kept in a sanitary condition at all times.

Report to state hotel inspector.

Certificate of inspection to place inspected.

To be posted in conspicuous place.

Notice to owner of unsatisfactory condition.

7094. (d) That each and every assistant inspector, upon inspecting any hotel, cafe, or restaurant shall report the condition of same to the State Hotel and Safe Inspector, who shall, if such inspection shows a hotel, cafe, or restaurant to be in compliance with this Act, and with the rules and regulations hereinafter authorized to be made by the State Hotel and Cafe Inspector and the State Committee of Public Health, issue a certificate to that effect and deliver same to owner, manager, agent or person in charge of such hotel, cafe, or restaurant, which certificate shall be kept posted up in a conspicuous place in said inspected building. It shall be the duty of the State Hotel and Cafe Inspector upon ascertaining by inspection or otherwise, that any hotel is being carried on contrary to the provisions of this Act, to notify the owner, manager, agent or person in charge of such hotel, in writing, in what respect it fails to comply with this Act, and requiring such persons within a reasonable time to be fixed by the said State Hotel and Cafe Inspector, to do or cause to be done, the things necessary to make it comply with this Act, whereupon such owner, manager, agent or person in charge of such hotel shall forthwith comply with such requirements. Any owner, manager, or person in charge of a hotel, cafe or restaurant, who shall wilfully

fail or neglect to comply with any of the provisions of this Act, after notice as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof, be fined, not less than ten dollars nor more than fifty dollars, and every day that such hotel, cafe or restaurant is carried on in violation of this Act, shall constitute a separate offense.

Penalty for failure to correct.

7094. (e) That the State Health Officer is hereby constituted ex-officio State Hotel and Cafe Inspector, and the inspectors of the State Board of Health, or that may hereafter be of the State Board of Health, and the County Health Officers are hereby constituted ex-officio assistant Hotel and Cafe Inspectors, and such assistants shall be, in the inspection of hotels and cafes as provided for in this Act, under the exclusive direction, supervision of the State Hotel and Cafe Inspector.

State health officer ex officio inspector.

County health officers ex officio assistant inspectors.

7094. (f) That it shall be the duty of the State Hotel and Cafe Inspector to see that all the provisions of this Act are complied with, and said Inspector or his assistants shall personally inspect once in each year every hotel, cafe, or restaurant as defined by this Act, and as often as may be necessary to keep said hotels, cafes, or restaurants up to the standards required by this Act. Said Inspector and his assistants are hereby granted police power to enter any hotel, cafe, or restaurant at reasonable hours to determine whether the provisions of this Act are being complied with. The Inspector shall keep a set of books for public use and inspection showing the conditions of each hotel, cafe, or restaurant so inspected, together with the name or names of the owners, proprietors, or managers thereof, and showing their sanitary condition, the number and condition of the fire escapes and any other information for the betterment of the public service.

Duty of state hotel and cafe inspector.

7094. (g) That any owner, manager, agent or person in charge of a hotel, cafe, or restaurant, who shall wilfully obstruct or hinder an inspector in the proper discharge of his duties under this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars.

Penalty for obstructing work of inspector.

7094. (h) That it shall be the duty of every person conducting a hotel, cafe, or restaurant to see that drinking water supplied by said hotel, cafe, or restaurant is

Pure drinking water required.

pure and free from disease germs. The water supply shall be subject to examination by the inspector and when found unfit for drinking purposes its use must be discontinued forthwith. The source of supply as a probable means of contamination shall be subject to the regulations made and promulgated by the State Hotel and Cafe Inspector and the State Committee of Public Health.

Rules and regulations.

7094. (i) That the State Hotel and Cafe Inspector as hereinbefore provided for and the State Committee of Public Health are hereby directed, authorized, and empowered to make and promulgate reasonable rules and regulations for the purpose of carrying this Act into effect.

7094. (j) That this Act shall operate as, or as a part of, or in conjunction with any rules and regulations affecting hotels, cafes, or restaurants provided and promulgated by the State Board of Health for maintaining and protecting the public health.

Sections of this act independent of each other.

7094. (k) That each section of this Act is hereby declared to be separate and independent of all other sections thereof, and the invalidity of any section shall not impair or destroy the other sections thereof, as they would have been passed by the Legislature if such invalid sections had been stricken out at the time of the passage of this act.

Free checking of baggage.

7094. (l) That keepers of inns, hotels, and other houses for public entertainment for travelers shall give receipts or checks for all baggage of their registered guests, delivered in such inn, hotel, or house of entertainment, when requested to do so by such guest; and such keeper shall not make any additional charge for receipting for, checking, or keeping such luggage, so long as the owner remains a guest of the house. A violation of the provisions of this section shall be a misdemeanor.

Fire escapes to be provided.

7095. That any owner, proprietor, or manager of any hotel, office building, school building, store or manufacturing building, which is more than two stories high, now erected, who shall fail for six months after the adoption of this Code to have securely fixed and conveniently arranged so as to be accessible to persons lodging in, working in, or occupying such buildings, in case of fire in such buildings, good and sufficient fire escapes or ladders for each story of such buildings, shall be guilty of a misde-

meanor and, on conviction, shall be fined not less than fifty nor more than five hundred dollars, and may be sentenced to hard labor for the county for not more than six months for each day so continued.

7096. That any owner, proprietor, or manager of any hotel, office building, school building, store or manufacturing building erected hereafter, who shall fail to erect with such building such fire escapes as required in the preceding section, shall, on conviction, be fined not less than fifty nor more than five hundred dollars, or sentenced to hard labor for the county for not more than six months.

Penalty for failure to provide fire escapes.

7097. That any owner, proprietor, or manager of any hotel or inn who shall fail or neglect to provide good and sufficient locks, latches, or bolts to all the doors and rooms used by guests or provided for the use of guests or patrons or such hotel or inn, whereby the same may be securely fastened from the inside of such room, shall, on conviction, be fined not less than ten nor more than one hundred dollars.

To provide locks.

This Act shall take effect and be in full force from and after its passage, and all laws and parts of laws and parts of laws relating to hotels, cafes or restaurants, such as the Act entitled "An Act to enforce better sanitary conditions in inns, hotels, and restaurants, etc." page 44 of the Acts of 1911, approved February 28, 1911, are hereby repealed.

Approved September 29, 1919.

No. 525.)

(S. 397.

AN ACT

To provide for the location of hospitals, infirmaries, or other places in which sick or wounded persons are to be cared for or treated, and to provide penalties for its violation.

Be it enacted by the Legislature of Alabama, That whenever a person, firm, or corporation desires to locate, establish, or build either in a county, or municipality, of this State, a hospital, infirmary, or institution of any kind, for the care and treatment of sick and wounded persons, application shall be made by such person, firm, or corporation to the county board of health

County boards of health to issue permits for locating or building of hospitals.

of the county in which such hospital, infirmary, or institution is to be located, for a permit, in which application the proposed location, together with the character of the building or buildings to be erected, the class of patients to be admitted, also whether general or special diseases are to be treated, shall be definitely and fully set out.

Permits may be denied or granted.

2. Whenever a county board of health receives an application in accordance with section 1 of this act for a permit to locate, establish, or build a hospital, infirmary, or institution of any kind for the care and treatment of sick and wounded persons said county board of health shall refer the matter to its board of censors, which board shall promptly and carefully examine the proposed location or locations, considering suitability and environments in all respects, and shall as soon as can be done make a written report to the county board of health, containing such recommendations as it deems proper; whereupon, the county board of health shall after permitting a full discussion of the report either grant or deny the application, giving the person, firm, or corporation interested written notice of its conclusion.

Penalty for violation of act.

3. Any person, firm, or corporation violating the provisions of this act shall be guilty of a misdemeanor and on conviction shall be fined not less than five hundred, nor more than one thousand dollars, and may be imprisoned in the county jail for one year.

Approved April 21, 1911.

No. 361.)

(S. 442.)

AN ACT

To authorize certain incorporated educational institutions or societies engaged in teaching and instructing in what is commonly known as professional or trained nursing, to issue to their graduates diplomas and certificates of proficiency, and to confer the degrees of "Graduate Nurse."

Be it enacted by the Legislature of Alabama:

Institutions defined which may confer degree of graduate nurse.

Section 1. That any incorporated educational institution or society engaged in teaching and training pupils in the science and art of nursing the sick, and which shall give hospital practice and training at a hospital main-

taining not less than twenty (20) beds, and shall have such course of instruction and study as may be approved by the State Health Officer may, upon obtaining and filing the certificate of approval of said State Health Officer, and recording the same as provided in section two hereof, issue to the students pursuing said course of instruction and hospital training certificates of proficiency or diplomas and may confer the degree of graduate nurse.

Sec. 2. Be it further enacted, That before such institution or society shall issue diplomas or certificates of proficiency, or confer such degree, the president of such institution or society and three lecturers or instructors thereof, who shall be practicing physicians, shall file with the State Health Officer a verified statement, containing a list of the lecturers and instructors, the subjects taught, and the nature and amount of hospital training received at said institution or society, and if said State Health Officer shall approve such verified statement, he shall issue to such institution a certificate to the effect that he has examined such verified statement and approved the same, which said certificate shall be recorded by the probate judge of the county where said institution or society is located, upon the payment of a fee of two dollars and fifty cents.

Institution to have approval of state health officer.

Approved April 13, 1911.

No. 207.)

(H. 198.)

AN ACT

To provide for State registration of nurses.

Section 1. *Be it enacted by the Legislature of the State of Alabama*, That a board to be known as the board of nurses examiners for the State of Alabama, is hereby created to consist of five members who shall be appointed by the Governor, three (3) of whom shall be graduate nurses and two (2) of whom shall be physicians.

Board of examiners to be appointed by governor.

Sec. 2. That within ninety days after the passage of this act the Alabama State association of graduate nurses shall, through its executive committee, submit to the Governor a list containing the names of four (4) licensed physicians of good standing in their profession together

Nominations for appointments.

with the names of six (6) nurses each of whom shall have graduated from a training school connected with a general or private hospital requiring not less than two (2) years training and who shall have been engaged in nursing for not less than five (5) years after graduation, and the Governor shall appoint the members of the board from said list.

Term of office. Sec. 3. That each member of said board shall serve for a term of three years, and until his or her successor is appointed and qualified; except in the case of the first board, whose members shall hold office as follows: One nurse shall be appointed to hold office for one year, one nurse and one physician for two years, one nurse and one physician for three years. An unexpired term of any member of the board, caused by death, resignation or otherwise, shall be filled by the Governor in the same manner as the original appointment is made.

Vacancies to be filled by governor.

Election of officers.

Seal.

Registers to be kept.

Sec. 4. That the members of said board shall, as soon as organized and annually thereafter in the month of October, elect from their number a president and a secretary-treasurer. Three members of this board shall constitute a quorum. Special meetings of said board shall be called by the secretary-treasurer upon the written request of any two members. It shall adopt a seal which shall include the words "Nurses Board of Examination and Registration of Alabama" and the imprint shall be placed on all certificates and warrants issued by it. Said board shall be authorized to make such rules as may be necessary to govern its proceedings, and to carry into effect the purpose of this act. The secretary-treasurer shall keep a record of all meetings of the board and an official register of all applicants for registration under the provisions of this act, said register to show the name, age, nativity, place of residence and photograph of each applicant; said register shall also show whether said applicant was examined, registered or rejected under this act, and said register shall be prima facie evidence of all matters therein contained and shall be open at all reasonable times to public inspection.

Compensation of members of board.

Sec. 5. That members of said board shall receive five dollars (\$5.00) per day and the actual necessary expenses incurred in the discharge of their duties, and the secretary-treasurer shall receive an additional salary to be

fixed by the board not to exceed one hundred \$100.00) dollars per year, said expenses and salaries shall be paid from the fees received by the board under the provisions of this act, and no part of salaries and other expenses of the board shall be paid out of the State treasury. All money received in excess of said allowance and other expenses provided for, shall be held by the secretary-treasurer for meeting the expenses of the board and the cost of annual reports of the board.

Sec. 6. That after October 1st, 1916, it shall be the duty of said board to meet at least once in every year and at such other times as the board may deem expedient for the purpose of holding examinations. Notice of such meetings shall be given in the public press, in at least one nursing journal, and by mail to every applicant, and to every training school in Alabama at least thirty (30) days prior to the meeting.

Annual
meetings.

Sec. 7. That any person desiring to obtain a certificate of registration under this act shall make application in writing, first paying five dollars (\$5.00) and shall present himself or herself at such regular meeting for examination of applicants. Said board being satisfied that said applicant is of the age of twenty-one (21) years, of good moral character, has received the equivalent of a grammar school education and has graduated from a training school connected with a general hospital or sanitarium, where not less than three years of consecutive training with a systematic course of instruction is given in the hospital or sanitarium, or has graduated from a training school in connection with a hospital of good standing supplying a systematic three years training corresponding with the above standards, which training may be obtained in one or two affiliated hospitals, shall proceed to examine said applicants in elementary anatomy, physiology, bacteriology and materia medica, in medical, surgical, obstetrical and practical nursing, in dietetics and hygiene. Said board shall upon said applicant passing said examination to its satisfaction cause the name of the applicant to be entered upon the register kept for that purpose, and shall cause to be issued to said applicant a certificate of registration authorizing him or her to practice the profession of nursing as a registered nurse. Registered nurses, from other States may be accepted without ex-

Application
for certificate
of registra-
tion.

Nurses from
other states
may be regis-
tered.

amination, upon furnishing satisfactory evidence to the board of examiners that they possess the above qualifications embodied in this act and upon payment of registration fee. Provided, however, that all graduates of the Bryce Hospital Training School for Nurses, situated at Tuscaloosa, Alabama, shall be entitled to examination and registration under the provisions of this act.

Persons exempt from examination.

Sec. 8. That all nurses graduating before October 1st, 1917, shall be permitted to register without examination upon payment of registration fee. Nurses who are graduates of training schools connected with a general hospital or sanitarium giving two years training and in which in other respects proper standards are maintained and who are engaged in professional nursing at the date of the passage of this act, or have been engaged in nursing five years after graduation prior to the passage of this act, and also those who are in training at the time of the passage of this act, and shall graduate hereafter, shall be entitled to registration without examination, provided such application be made before October 1st, 1916. Provided, also, that all graduates of the Bryce Hospital Training School for Nurses, situated at Tuscaloosa, Alabama, shall be entitled to registration under the provisions of this section upon furnishing satisfactory proof of their graduation from said school.

Unlawful to practice nursing without certificate.

Sec. 9. It shall be unlawful after October 1st, 1916, for any person to practice professional nursing as a registered nurse without a certificate in this State. A nurse who has received his or her certificate according to the provisions of this act shall be styled and known as "Registered Nurse." No other person shall assume the title "Registered Nurse" or any other letters or figures to indicate he or she is a registered nurse. Provided, that the provisions of this section shall not apply to graduates of the Bryce Hospital Training School for Nurses, situated at Tuscaloosa, Alabama, who can furnish satisfactory proof of graduation from said school.

Act does not apply to gratuitous nursing.

Section 10. That this act shall not be construed to affect or apply to gratuitous nursing of the sick by friends or members of the family, nor shall it apply to any person nursing the sick for hire, but who does not in any way assume the title of "Registered Nurse" or "R. N."

Sec. 11. That the board of examiners shall have the power to revoke any certificate of registration for incompetency, dishonesty, intemperance, immorality or unprofessional conduct after a full and fair investigation of the charges preferred against the accused. Thirty (30) days prior to such hearing a copy of the charges (which charges must be specified in writing and under oath), shall be furnished to the accused who shall at the same time be furnished with written notice of the time and place where such charges will be heard and determined. At such hearing all witnesses shall be sworn either by the president or secretary-treasurer and the accused shall be entitled to be heard and represented by counsel. No revocation shall be made except upon a majority vote of the full board and upon the revocation of any certificate the same shall be null and void and the secretary-treasurer of the board shall strike the name of the holder thereof from the roll of registered nurses.

Power to
revoke cer-
tificates.

Sec. 12. That any person violating any of the provisions of this act or who shall willfully make any false representation to the board of examiners in applying for a certificate shall be guilty of a misdemeanor and, upon conviction, be punished by a fine of not less than ten (\$10.00) dollars and not more than five hundred (\$500.00) dollars.

Penalty for
violation
of act.

Sec. 13. That the words "general hospital" as used in this act shall mean a hospital that maintains twenty or more beds for the sick and where general medicine, general surgery and obstetrics are practiced.

General
hospital
defined.

Sec. 14. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Repeal clause.

Sec. 15. That this act shall take effect sixty (60) days after its passage.

Effect.

Approved August 6, 1915.

No. 667.)

(S. 734.

AN ACT

To prohibit white female nurses from nursing, or being employed in nursing in wards or rooms in hospitals, either public or private, in which negro men are placed for treatment, or to be nursed, and to provide the punishment for a violation thereof.

Be it enacted by the Legislature of Alabama:

Unlawful to
require white
female nurses
to nurse
negro men.

Section 1. It shall be unlawful for any person or corporation to require any white, female nurse to nurse in wards or rooms in hospitals, either public or private, in which negro men are placed for treatment, or to be nursed.

Unlawful for
white female
nurses to
nurse negro
men.

Sec. 2. It shall be unlawful for any white female nurse to nurse in wards or rooms in hospitals, either public or private in which negro men are placed for treatment, or to be nursed.

Penalty for
violation
of act.

Sec. 3. Upon conviction for a violation of either of the foregoing sections the court shall assess a fine of not less than ten, nor more than two hundred dollars, and it may also, as additional punishment, sentence such person, upon conviction, to confinement in the county jail, or to hard labor for the county for a term not exceeding six months.

Repeal clause.

Sec. 4. That all laws and parts of laws in conflict with this act, be and the same are hereby expressly repealed.

Approved September 29, 1915.

No. 178.)

(H. 105—Oakley.

AN ACT

To provide for the control of venereal diseases by an antenuptial physical examination of men, which shall be done within fifteen days before granting marriage license, fixing penalties for non compliance.

Be it enacted by the Legislature of Alabama:

Examination
and certificate
of freedom
from venereal
disease re-
quired to se-
cure marriage
license.

Section 1. All male persons making application for license to marry shall at any time within fifteen days prior to such application, be examined as to the existence or nonexistence in such person of any venereal disease, and it shall be unlawful for the judge of probate of any county to issue a license to marry to any person who fails to present and file with such judge of probate a certificate setting forth that such person is free from venereal diseases so nearly as can be determined by a thorough examination and by the application of the recognized clinical and laboratory test of scientific search, when in the discretion of the examining physician such clinical and laboratory tests are necessary. Such certificate shall be

made by a licensed physician, shall be filed with the application for license to marry, and shall read as follows, to-wit: I, (*name of physician*), being a legally licensed physician, do certify that I have this day of 19....., made a thorough examination of (*name of applicant*), and believe him to be free from all venereal diseases. (*name of physician.*) That no marriage shall be entered into in any manner whatsoever without the male party shall have first submitted to said antenuptial examination and having obtained a certificate from such physician of his freedom from said diseases.

Section 2. Such examiners shall be physicians duly licensed to practice in this State. The health officer of any county, shall, upon request, make the necessary examination and issue such certificate, if the same can be properly issued, without charge to the applicant. The charge for such an examination shall in no case exceed five dollars.

Section 3. Any judge of probate who shall unlawfully issue a license to marry any male person, who fails to present and file with the probate judge a certificate required by section 1 of this act shall be guilty of a misdemeanor and shall upon conviction, be fined not less than \$50.00 nor more than \$100.00, or be sentenced to hard labor for the county not exceeding six months, one or both in the discretion of the court trying the case.

Section 4. Any physician who shall knowingly and wilfully make any false statement in the certificate provided for in section one of this act, shall be punished by a fine of not more than one hundred dollars, or sentenced for not more than six months hard labor for county.

Approved February 19, 1919.

No. 218.)

(H. 226.

AN ACT

To amend Sections 161, 162, 163 and 164 of an Act entitled an act to provide for the organization, incorporation, government, and regulation of cities and towns and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for

violations of the provisions of this Act, approved August 13, 1907.

Be it enacted by the Legislature of Alabama:

Sec. 161
amended.

Section 1. That Section 161 of an Act entitled an Act to provide for the organization, incorporation, government, and regulation of cities and towns, and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for the violations of the provisions of this Act, approved August 13, 1907, be amended so as to read as follows:

Duty of county boards of health.

Section 161. It shall be the duty of the boards of health of the several counties of the State to supervise the administration of the health and quarantine laws of the State in the various incorporated cities and towns of their respective counties, and also to supervise the administration of such health ordinances as may be legally adopted by such incorporated cities and towns.

Sec. 162
amended.

Sec. 2. That Section 162 of said Act shall be amended so as to read as follows: .

Right to establish laboratories, etc.

Section 162. Incorporated cities and towns shall have the right to establish and maintain laboratories—chemical, bacteriological, or of other kinds, for investigation of the purity of foods, drugs, and public water supplies, and for the study of the nature, causes, propagation, and prevention of diseases, provided that the control and management of such laboratories and the appointment of all persons employed to conduct, or to aid in conducting, said laboratories shall be under the jurisdiction of their municipal health officers, respectively, subject to the approval of the county boards of health of the counties in which said laboratories may be established.

Sec. 163
amended.

Sec. 3. That Section 163 of said Act shall be amended so as to read as follows:

Duties of health officer of an unincorporated city.

Section 163. The health officer of an incorporated city or town shall perform all duties that devolve upon him under the health and quarantine laws of the State, and also all duties that devolve upon him under such health ordinances as may be legally adopted by the authorities of the municipality. Should the health officer fail to discharge said duties it shall be the right and the duty of the county board of health to remove him from

office and to promptly elect a successor. It shall also be the right of the mayor of a municipality to remove a municipal health officer for good cause, and when such right is exercised the mayor shall appoint a health officer *pro tempore*, provided that such health officer is a member of the county board of health. When the mayor removes a municipal health officer, he shall notify, in writing, the president, or secretary, of the county board of health of his action, and shall assign his reasons therefor. When a county board of health has been notified of the removal of a municipal health officer, together with the reasons therefor, the said board of health shall promptly and thoroughly investigate the alleged reasons. When such investigation has been completed it shall be the duty of the county board of health to elect a successor to the municipal health officer removed by the mayor, provided that such removed health officer may be deemed eligible to succeed himself if the investigation shows him not to have been guilty of such dereliction of duty as to disqualify him for succeeding himself.

Removal for failure.

Duty of mayor where health officer removed.

County board of health to investigate reasons for removal.

Successor.

May succeed himself.

Sec. 4. That Section 164 of said Act shall be amended so as to read as follows:

Sec. 164 amended.

Section 164. The council of any incorporated city or town shall have the right to create the position of assistant city health officer, one or more, and when created the city health officer shall have the right to nominate the incumbent or incumbents thereof, subject to the approval of the county board of health. Such assistant health officer, or officers, shall perform such duties and exercise such power and authority as may be prescribed for, or assigned to him, or them, by the city health officer, subject to the approval of the county board of health, provided that no duties shall be prescribed, or power and authority conferred, in violation of the health laws of the State, or of the health ordinances of the city. The salary of the city or town health officer, and that of any assistant health officer, or officers, that may be appointed in accordance with this section, shall be fixed by the council of the city or town.

Assistant health officer.

Duties of assistant.

Salary.

Approved Aug. 25, 1909.

No. 610.)

(H. 880.

AN ACT

To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision.

Be it enacted by the Legislature of Alabama:

Commission
created.

Section 1. That there be hereby created a board to be designated the Alabama Tuberculosis Commission for the purpose of (a) Disseminating as widely as possible knowledge of tuberculosis and the methods of preventing and caring for the same. (b) Promoting and encouraging the establishment and maintenance of hospitals for the treatment of tuberculosis in such areas as may seem advisable and controlling the administration thereof. (c) Co-operating as fully as possible with all anti-tuberculosis organizations, and assisting in the activities of said organizations.

Powers and
rights.

Sec. 2. Such commission shall have all the rights and powers necessary to, or promotive of the end of its creation, and shall be charged with all the corresponding liabilities and responsibilities thereof.

Composition
of commis-
sion.

Sec. 3. Said commission shall consist of nine (9) members, of whom the State Health Officer shall be one (ex-officio). For the purpose of establishing said commission, the Governor within 30 days after the approval of this act, shall appoint (8) members, in addition to the State Health Officer; of these eight (8) members so appointed, two (2) shall hold office for one (1) year, two for two (2) years, two for three (3) years and two for four (4) years. Four members of the board shall always be physicians.

Vacancies
provided for.

Sec. 4. When the term of any member appointed by the Governor under section 3 of this act shall expire, the remaining members shall, by written ballot, elect his successor. The member so elected shall hold office for the term of four (4) years, and until his successor is elected and qualified. If a vacancy occurs in any other manner than by natural expiration of the term of the member, said commission shall in like manner elect a member for said unexpired term. At every session of the Legisla-

ture, the secretary of said commission shall certify to the Senate the names of all who have been so elected since the last legislative session, and the Senate shall confirm or reject them. If the Senate shall reject the name of any member so certified, it shall thereupon elect a member in place of one so rejected. No member of said commission shall receive any pay or emolument other than actual expenses incurred in discharge of his duties as such, provided, that the commission, at its discretion, may pay from any funds at its disposal, a reasonable compensation to its secretary. Said secretary may be chosen from the membership of said commission.

Senate to confirm.

Sec. 5. Five members of the commission shall constitute a quorum. Every member present shall be required to vote, and a majority of those so voting shall control. At their first meeting, to be held within fifteen days after the appointment of said members, said commission shall organize by the election of a president, a secretary and other necessary officers, who shall hold office until their successors are elected and qualified.

Quorum.

Organization.

Sec. 6. The commission shall meet at least once a year; they shall adopt regulations or by-laws fixing the time, place and manner of calling said annual meeting or other regular or any special meetings as may be advisable, and also by-laws necessary for the general control of its meetings or furthering the work of said commission.

Meetings.

Sec. 7. The proceedings of said commission shall be recorded in a suitable manner. The secretary shall be the executive officer of said commission. The certificate of the secretary, or, in his absence, of the president, shall entitle the several commissioners to receive from any funds at the disposal of said commission any compensation to which he may be entitled under the provisions of this act. Any necessary incidental expenses of the commission shall be paid from any funds at its disposal on the certificate of its secretary.

Proceedings to be recorded.

Sec. 8. It shall be the duty of the secretary to make to the Governor a full report of the transactions of said board embracing an itemized account of all receipts and disbursements.

Financial report to governor.

Sec. 9. The said commission may acquire by gift, purchase or otherwise, any real or personal estate, necessary or suitable for furthering the purpose of its creation and

May acquire properties.

existence, and may hold the same in trust or in fee, and control or dispose of the same for said purposes as may in its judgment seem best.

County boards of revenue authorized to establish tuberculosis hospitals. Sec. 10. The courts of county commissioners or boards of revenue of the several counties are hereby authorized to establish hospitals for the care of tuberculosis patients, and to provide for the payment of site, building and maintenance thereof, either separately or in connection with an adjoining county or counties.

Procedure. Sec. 11. Whenever any county in which there has not already been established a public hospital for the care of tuberculosis patients other than a sanatorium designed only for incipient cases, desires to have such a hospital within its limits, it may do so in the following manner, to-wit: A petition addressed to the court of county commissioners or board of revenue shall be presented to voters of said county and shall be in substance as follows: "We, the undersigned legally qualified voters in the county of.....hereby respectfully

Petition by qualified voters.

petition your honorable board to establish a tuberculosis hospital within the limits of said county in accordance with the provisions of the law. We further petition that you provide funds in an amount not less than \$.....for acquiring a site, and for erection and maintenance of said hospital." Each person signing shall add the place of his residence to said signature. Said petition shall be presented to the judge of probate in said county, who shall proceed forthwith to ascertain the proportion which the number of names of legally qualified voters on said petition bears to the total number of votes cast at the last preceding general election in said county. If it shall appear to said judge of probate that said petition contains the signatures of legally qualified voters of said county, in numbers equivalent to a majority of those voting at the last general election preceding, he shall certify the fact to the court of county commissioners or board of revenue.

Action to be taken by county board of revenue.

Sec. 12. When the judge of probate has made such certificate to the court of county commissioners or board of revenue, the said court or board shall proceed forthwith to take the necessary action to acquire a suitable site for and erect thereupon a hospital for the care of tuberculosis patients who have passed the incipient stage,

provided that said site and plans for said hospital shall first be approved by the Alabama tuberculosis commission. For the purpose of acquiring site for the location of any hospital authorized by this act, the board of revenue or court of county commissioners in the county where the said hospital is to be located, shall have the power of condemnation, according to the law, of such land as said board deems suitable and has been approved by the Alabama tuberculosis commission.

Sec. 13. Within thirty days after said certificate has been made by the judge of probate to court of county commissioners or board of revenue, a hospital board, composed of three members shall be created in the following manner: The county commissioners shall elect one member thereof, the county board of health one member and the municipal government of the largest town or city in the county one member, each for the term of two years. Either of these bodies may refer the nomination to the county anti-tuberculosis association where such organization exists and is actually carrying on public service against tuberculosis. The person so chosen shall be of acknowledged probity, intelligence and approved interest in, and with knowledge of, tuberculosis. They shall serve without pay.

County hospital board to be created.

Sec. 14. Two or more contiguous counties acting through their respective boards of revenue or courts of county commissioners may have a joint tuberculosis hospital with the approval of the Alabama tuberculosis commission. The location and plans for said hospital shall be such as may be mutually agreed upon, subject to the approval of said Alabama tuberculosis commission. In case of such agreement between contiguous counties, the hospital board shall consist of five (5) members to be selected in the following manner: One (1) by each of the boards of revenue or courts of county commissioners respectively, one (1) by the board of health of each county respectively and the fifth member shall be selected by these four (4) or in case they be unable to agree, by the Alabama tuberculosis commission. In case of such agreement between three (3) or more contiguous counties, the hospital board shall consist of one (1) member to be selected by the board of revenue or court of county commissioners of each of the counties so agreeing, an addi-

Two or more contiguous counties may act jointly in providing hospital.

tional member to be selected from each county by the county board of health, and one (1) member to be selected by the Alabama tuberculosis commission. All members of hospital board shall hold office for two (2) years, or until their successors are appointed and qualified. They shall serve without pay. In case two or more counties unite to establish and maintain such a hospital, the cost of establishing the same shall be met by the respective counties in proportion to the total assessed valuation of property in said counties. The cost of maintenance shall be met by the respective counties according to the sum of hospital days treatment given to patients from said counties. A hospital day shall be twenty-four hours residence of every several patients in the hospital, whether treated simultaneously or not. Amounts paid by patients themselves shall be credited to their several counties.

County hospital board to elect Supt.

Supt. to be a physician.

Salary of superintendent.

Hospital must not be in poor house.

Patients may be received from adjoining counties.

Sec. 15. Said hospital boards shall within ten days of their appointment, hold an executive session and proceed, after electing one of their members as chairman, to elect an executive secretary, who shall be superintendent of county tuberculosis hospital. He shall be a physician of adequate training who shall have made special study of tuberculosis and be familiar with the approved methods of identifying and treating the same. His salary and conditions of service shall be arranged by the hospital board. In counties whose population does not exceed 50,000, the superintendent may also serve as county health officer; provided, however, that if he holds both offices he shall not engage in private practice of medicine; that his salary be not less than \$2,500.00 per annum, and he shall employ himself in the defense of public health by watchfulness, by instructing the people concerning hygiene and infection, and that he adequately supervise the hospital. He shall report to the Alabama tuberculosis commission, and may be removed by action of that commission.

Sec. 16. Said hospital shall not be conducted in, or in connection with, any public poor-house.

Sec. 17. Any county tuberculosis hospital superintendent may receive tuberculosis patients in other than incipient stage of the disease from an adjoining county in which no public tuberculosis hospital has been erected. Provided, that the board of revenue or court of county commissioners of county from which such case comes shall

guarantee the payment of the cost of treating such patients. All charges for such treatment shall be assessed and fixed by the hospital board with the approval of the Alabama tuberculosis commission.

Sec. 18. It shall be the duty of the board of revenue or court of county commissioners of each county to make suitable provisions for the care and isolation of every indigent case of tuberculosis other than in an incipient stage, either by providing a tuberculosis hospital within the county or by sending such patient to the nearest available hospital within the State and paying the cost thereof at the price fixed by the hospital board of such hospital. Provided that in case of disagreement as to what the price should be an appeal shall lie to the Alabama tuberculosis commission, whose judgment shall be final.

Provision for indigent cases.

Sec. 19. Whenever the population of the county includes more than 25% negroes, adequate provision shall be made for members of that race under the same management but in a distinct and separate section of the hospital or in a separate building.

provision for negro patients.

Sec. 20. Any hospital established under this act shall be supported as far as possible by fees charged to patients to the amount of per capita cost of maintenance. But whenever a sufferer from tuberculosis, or those responsible for his support, have not the means to pay so much, the board shall accept less, and when a patient, or those responsible for his support, shall make oath before the hospital board of inability to pay, the said patient may be received without pay on the certificate of the hospital board of such inability. Provided that no patient shall be excluded on account of indigence and provided further that no difference shall be made between the paying and non-paying patients, in the allotting of bed, food and other benefits.

Hospital fees.

Sec. 21. All bills for the expenses of maintenance of said hospital shall be paid by the court of county commissioners, or board of revenue as other bills contracted by said board are paid on certificate of the respective hospital boards.

Expense for maintenance.

Approved September 22, 1915.

No. 421.)

(H. 432.

AN ACT

To require apartments, buildings or premises occupied by persons suffering with or dying of tuberculosis on removal therefrom, to be disinfected.

Be it enacted by the Legislature of Alabama:

Health officer
to be notified.

1. That in case of the vacation of any apartment, building or premises by death from tuberculosis, or by removal therefrom of a person or persons sick with tuberculosis, it shall be the duty of the person or physician in charge, to notify the health officer of the town or city of said removal, within twenty-four hours thereafter, and such apartments or premises so vacated shall not again be occupied until renovated and disinfected as herein provided.

Health officer
to order disin-
fection of
house.

2. That in case of the vacation of any apartments, buildings or premises as set forth in section 1 hereof, the town or city health officer, on receiving the notice above required, shall immediately visit said premises, and shall order and direct that such premises or apartments, and all infected articles therein be properly and suitably disinfected. In case there shall be no remaining occupants in such premises or apartments, and same shall be vacant, then the town or city health officer shall cause a notice in writing to be served upon the owner, or agent of the owner of such premises or apartments, ordering the renovation and disinfection of such premises or apartments, under the direction of and in conformity with the regulations of the local department of health.

Notice to be
published in
case of fail-
ure to disin-
fect house.

3. That in case any orders or directions of the town or city health officer requiring the disinfection of any articles, premises or apartments, as herein before provided, shall not be complied with within thirty-six hours after such orders or directions shall be given, then it shall be the duty of the town or city health officer to cause a placard in words and form as follows, to be placed upon the door of the infected apartments, or premises, to-wit: Notice. "Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health officer directing their renovation and disinfection has been complied with." This notice must

not be removed under a penalty of law, except by the town or city officer, or an authorized police officer.

Approved September 10, 1915.

No. 489.)

(H. 1367.

AN ACT

To authorize courts of county commissioners, or other like boards, to expend money for the purpose of improving the sanitary conditions of their counties by laying trunk lines of sewers and constructing sewage disposal plants in localities contiguous to thickly populated communities, and to prescribe the terms on which connection with such sewers may be made.

Be it enacted by the Legislature of Alabama:

That the court of county commissioners, or other like board, of any county shall be authorized to expend money for the purpose of improving the sanitary conditions of their counties by laying trunk lines of sewers and constructing sewage disposal plants in localities contiguous to thickly populated communities, and to prescribe the terms on which the owners of houses, or householders, may connect with such lines of sewers, provided that no such lines of sewers shall be laid without the written approval of the executive officer of the State Board of Health, such approval to be based on the belief that the laying of any proposed line will materially improve health conditions.

Courts of county commissioners may construct sewers and sewage disposal plants.

To be approved by state board of health.

Approved September 15, 1915.

No. 307.)

(H. 898.

AN ACT

To prohibit the buying or selling of patients by physicians or surgeons, or other persons, and to define what shall constitute the buying or selling of patients, and to fix the punishment for violation of this act.

Be it enacted by the Legislature of Alabama, as follows:

Selling pa-
tient; defini-
tion of.

Section 1. That hereafter any physician or surgeon, or any other person, who carries, sends, or is in any manner instrumental in causing a patient to go to another physician or surgeon for a surgical operation, or advice as to, or treatment of, any physical or mental disease, injury or ailment, and receives therefor from such other physician or surgeon, or who has any agreement or understanding with such physician or surgeon to receive therefor, any compensation, favor, or thing of value whatsoever, from such physician or surgeon without the knowledge and consent of the patient, shall be guilty of selling a patient within the meaning of this act, and any physician or surgeon, or any other person, who knowingly receives any patient so carried, sent, or caused to go to him for a surgical operation, or advice as to, or treatment of any physical or mental disease, injury or ailment, under such an agreement, or who pays, or allows any compensation, favor, or thing of value whatsoever therefor to such physician or surgeon so sending or carrying such patient to him without the knowledge and consent of the patient, shall be guilty of buying a patient within the meaning of this act.

Misdemeanor
to buy or sell
patient.

Sec. 2. That any person who buys or sells a patient the meaning of this act, as defined in the next preceding section hereof, shall be guilty of a misdemeanor, and, upon conviction, shall be fined for the first offense, not less than twenty-five dollars, nor more than five hundred dollars, and for the second, or any subsequent offense, shall be fined not less than five hundred dollars, nor more than one thousand dollars, and, may, also, at the discretion of the court or jury trying the case, be imprisoned in the penitentiary for not less than one nor more than five years; and, in the addition thereto, his license to practice medicine or surgery in this State shall be by the court trying the case cancelled and annulled, and it shall ever thereafter be unlawful for such person to practice medicine or surgery in this State.

Penalty.

Repeal.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act, whether local, special, or general, are hereby repealed.

Approved August 28, 1915.

No. 457.)

(S. 247.

AN ACT

To establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, to provide for the appointment of an executive and other officers of such department to define their duties, to provide for their compensation and to provide for the maintenance and other expenses of such department and confer on said department all the duties, powers and authority heretofore conferred on the State prison inspector insofar as his duties, powers, and authority relate to children under 16 years of age."

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby established for the State of Alabama a Child Welfare Department, to be located in the State Capitol, with the several powers, functions, and duties hereinafter prescribed.

Establishment.

Section 2. That the said department shall have the power and it shall be its duty (1) To devise the plans and means for and have general oversight over the welfare work for minor children in the State. (2) To advise with the judges and probation officers of the Juvenile Courts of the several counties of the State and to encourage and perfect the work of such courts throughout the State. (3) To exercise the right of visitation, inspection and co-operative supervision of all State, county, municipal and other institutions, public or private, receiving or caring for children, and of all orphanages, child placing societies, and of all maternity hospitals and lying-in homes. Provided, however, that nothing contained in this section shall be so construed as to supersede or interfere with the powers and duties of the Board of Control and Economy heretofore created and established. (4) To exercise general supervision over the administration and enforcement of existing laws governing apprenticeships, adoptions, and child placing agencies. (5) To issue permits to orphanages and all other institutions caring for, receiving, placing or handling minor children, to all maternity hospitals and lying in homes, and to revoke any such permit for cause. (6) To require reports from

Powers and duties juvenile courts, institutions caring for children.

Permits to institution.

- courts and institutions, public and private, to the extent and in the form and manner hereinafter provided. (7) To enforce all laws, regulating the employment of minor children, with full power of visitation and inspection of all factories, industries, and other establishments in which children may be employed, permitted or suffered to work, the duties, power and authority, with reference to the Child Labor Law, heretofore or hereafter imposed upon the State Prison Inspector, being hereby transferred to and imposed upon the Child Welfare Department herein created. (8) To make surveys and to hold conferences and conventions for the purpose of carrying out the provisions of this Act and of promoting the welfare of minor children, and to that end to enlist the cooperation of any State, county or municipal officials, (9) To solicit and receive donations of money and other things of value to be used in the support and development of its work and activities. (10) To co-operate with the State Department of Education, the State Board of Health, all State, county, and municipal, benevolent and religious, educational and correctional institutions, and to solicit the aid and to co-ordinate the activities of all private and volunteer social, labor, and welfare organizations on all subjects affecting the health, education, morals and general welfare of minor children. (11) To establish and maintain homes, receiving stations, or other agencies, for the care of de-
contract with such institutions for their care, and to re-
pendent, neglected or delinquent minor children, or to
ceive minor children committed to its care and to place
such children either in family homes, or in institutions
caring for children, and to supervise such children how-
ever placed.
- Section 3. (1) That the Child Welfare Department shall be under the control of a Commission consisting of the Governor, the State Superintendent of Education, the State Health Officer, ex-officio, and six persons to be appointed by the Governor whose terms of office beginning from the date of their appointment shall be respectively, two for two years, two for four years, and two for six years, the said terms of office to be designated to each appointee by the Governor in making the appointment. All succeeding appointees shall be appointed by the Governor and shall hold office for a term of six years and until
- Surveys.
- Donations.
- Co-operate with state health department.
- Care of children.
- Welfare commission.

their successors are appointed and qualified. (2) The said Commission shall, within sixty days after the approval of this Act, and at the call of the Governor, meet at the State Capitol and proceed to organize the said department. It shall hold at the State Capitol at least one regular meeting during each year, and as many special meetings as may be necessary. At such meetings five members shall constitute a quorum. The Governor shall be the presiding officer, but in case of his absence, the Commission shall have authority to elect a temporary presiding officer. If there be no director as hereinafter provided for the Commission may elect a secretary, pro-tempore. (3) The director hereinafter provided for shall be the secretary of the Commission. (4) The members of the Commission shall receive no compensation for their services other than the amount of their traveling and other expenses, actually paid out while in attendance on the meetings of the Commission, or on the business of the department. (5) The Commission is empowered to adopt rules for its own government, and for the government of the department; to elect a director and to provide for the selection or appointment of other officials or employees as may be necessary to fix their compensation; to have general control of the performance of every duty and the execution of the several powers herein conferred upon the department; to control and direct the expenditure of all appropriations which may be made for the maintenance of the department; and to do and perform such other acts and things as may be necessary to carry out the true intent and purposes of this Act.

Section 4. (1) That the department shall be under the immediate management and control of a director to be elected by the Commission whose term of office shall be six years and until his successor is elected and qualified. The Commission shall have authority to discharge at any time the director at its pleasure. (2) The director shall take oath of office, as other public officials, shall be commissioned in like manner, shall devote his entire time to the work of the department, and shall receive for his services the sum of Three Thousand Dollars per annum, payable monthly as other State officials are paid. (3) The director shall have full control and direction of the work and operations of the department, and he shall

Annual meeting.

Quorum.

Secretary.

Compensation.

Rules and regulations, director, employee.

Control of director.

Oath of office; salary.

use his best endeavors to develop and carry forward the various activities herein provided.

Reports from
probate and
juvenile court
judges.

Section 5. That it is hereby made the duty of the probate and juvenile court judges to make on or before the tenth day of each month a report to the Child Welfare Department on the work of juvenile courts administered by them, and all apprenticeships and adoptions, in their several counties.

From child
caring
institutions.

Section 6. That it is hereby made the duty of all public and private reformatories, correctional and child caring institutions, all orphanages, maternity hospitals, lying-in-homes, or other institutions having or exercising any jurisdiction or control of, or over dependent, neglected, or delinquent children, to make such reports to the department, and at such times, as may be required by its rules, including the extent and source of income, cost of maintenance, number of inmates, and upon all such other subjects as may be demanded. All reports provided for in this and the preceding section shall be upon blanks and forms provided by the Child Welfare Department. Any such superintendent, manager, or person, in charge of such institutions, failing or refusing to allow such visitation or inspection, or failing or refusing to make such reports, or furnish the information to said department as herein provided for, shall be guilty of a misdemeanor. It is hereby made the duty of State solicitors, or their assistants, to institute proceedings for the purpose of enforcing this law.

Penalty for
failure.

Permits
required by
such insti-
tutions.

Section 7. That in order to render more effective the provisions of this Act, and better to develop its objects in conserving the interests of the minor children of the State, the Commission herein provided for is empowered to devise reasonable minimum standards for the conduct of such orphanages, institutions, or societies, or other agencies receiving or caring for dependent, neglected, or delinquent minor children, and all maternity and lying-in-homes, and to grant permits to operate to such of these as conform to the standards. All orphanages, or other institutions or societies or agencies, receiving or caring for dependent, neglected, or delinquent minor children, and all maternity and lying-in-homes shall be required to obtain a permit from the department before being permitted

to operate, and any such institution carrying on any of the functions of such organizations or any person or persons in charge of such institutions without first obtaining such permit shall be guilty of a misdemeanor. Provided, however, that all such institutions now operating in the State shall be deemed *prima facie* as conforming in all respects to right standards and regulations, and it shall be the duty of the department to issue to every such institution a permit as herein required, but institutions shall be subject to future inspections, and to conformity to the standards, and regulations which may be prescribed by the Department. Power is conferred upon the Department to cancel the permit herein above provided for on the failure of any such organization to comply with the standards which may be established by said Department. No permit shall be granted to any private person, organization, institution or society, to receive, care for, or place any child or children unless such person, organization or society is chartered as provided for by the laws of the State.

Section 8. That the Child Welfare Department shall occupy rooms or apartments in the State Capitol to be set aside for its use by the Governor; its furnishings and equipment shall be supplied from the Capitol. Repair and Improvement Fund as other State offices, its stationery, office supplies and materials and postage shall be supplied from the stationery and office supplies and postage funds, and the printing and binding of its reports, bulletins, circulars, blank, forms and other printing as may be required shall be paid from the State printing fund.

To have rooms
in state
capitol.

Section 9. That for the maintenance of the Department including the payment of salaries and all expenses not provided for under the special provisions herein provided, the sum of Twelve thousand four hundred (\$12,400.00) dollars is hereby appropriated, and a continuing annual appropriation of said sum is hereby made.

Appropri-
ation.

Section 10. That in the event any part or provision of this Act is declared unconstitutional or inoperative by the Courts, it shall only affect such parts or provisions, the remainder of the Act continuing in full force and effect.

Section 11. That all laws and parts of laws, general, special, and local in conflict with any of the provisions of this Act be and the same are hereby repealed.

Approved Sept. 25, 1919.

No. 629.)

(S. 332—Evins.

AN ACT

To amend an act entitled "An Act to regulate the employment of minor children within the State of Alabama; to prohibit the employment of minors under certain conditions; to provide for the inspection, and regulation of establishments, occupations, places and premises where minors are employed; to entrust the enforcement of the provisions of this act to the State Prison Inspector; to punish violations of this act, and approved February 24, 1915.

Be it enacted by the Legislature of Alabama:

That an act entitled "An Act to regulate the employment of minor children within the State of Alabama; to prohibit the employment of minors under certain conditions; to provide for the inspection and regulation of establishments, occupations, places, and premises where minors are employed; to entrust the enforcement of the provisions of this act to the State Prison Inspector; to punish violations of this act and approved February 24, 1915" be and the same is hereby amended so as to read as follows:

Section 1. That no child under fourteen years of age shall be employed, permitted, or suffered to work in any gainful occupation, except agriculture or domestic service; provided, however, that boys twelve years of age or over may be employed in business offices and mercantile establishments, except soft drink and ice cream establishments, restaurants or cafes, during the summer vacation when the public schools in the city or town in which the child resides are not in session, if the child secures and files with employer a special permit or certificate as hereinafter prescribed; and provided further that boys twelve years of age or over may be employed in the distribution and sale of newspapers and other printed matter as provided for in Section 13 of this Act.

Section 2. No child under sixteen years of age shall be employed, permitted, or suffered to work in any gainful occupation, except agriculture or domestic service, for more than six days in any one week, or more than forty-eight hours in any one week or more than eight hours in any one day, or before the hour of six o'clock in the morning, or after the hour of seven o'clock in the evening. The presence of any child under sixteen years of age in any mill, factory, or workshop, laundry, or mechanical establishment shall be prima facie evidence of its employment therein,

Section 3. It shall be the duty of every employer to post and keep posted in a conspicuous place in every room where any child under the age of sixteen years is employed, permitted, or suffered to work, a printed notice stating the maximum number of hours such persons may be required or be permitted to work on each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner or other meals. The printed form of such notice shall be furnished by the Inspector hereinafter named, and the employment of any minor for a longer time in any day so stated, or at any time other than as stated in such printed form of notice, shall be deemed a violation of the provisions of this act.

Section 4. No person under the age of eighteen years shall be employed, permitted or suffered to work as a messenger for any person, firm, or corporation engaged in the business of telegraph, telephone, or messenger service, in the distribution, transmission or delivery of goods or messages after the hour of ten o'clock in the evening, or before the hour of six o'clock in the morning of any day; and no person under twenty-one years of age shall be employed in any establishment where intoxicating liquors are manufactured or sold nor to work in any pool or billiard room or place.

Section 5. No child under the age of sixteen years shall be employed, permitted, or suffered to work at any of the following occupations or in any of the following positions: (1) operating or assisting in operating any of the following machines: (a) circular or band saws; (b) wood shapers; (c) wood jointers; (d) planers; (e) sand paper or wood polishing machinery; (f) wood turning or boring machinery; (g) machines used in picking

wool, cotton, hair or any other material; (h) job or cylinder printing presses; (i) boring or drilling presses; (j) stamping machines used in sheet metal or tin ware, or in paper or leather manufacturing, or in washes or nut factories; (k) metal or paper cutting machines; (l) corner staying machines; (m) steam boilers; (n) dough brakes or cracker machinery of any description; (o) wire or iron straightening or drawing machinery; (p) rolling mill machinery; (q) power punches or shears; (r) washing, grinding or mixing machinery; (s) laundrying machinery; (t) nor engage in any work in or about a rolling mill, machine shop or manufacturing establishment which is hazardous, or dangerous to health, limb, or life, (2) or in proximity to any hazardous or unguarded gearing; (3) or upon any railroad, whether steam, electric, or hydraulic; (4) or upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state.

Section 6. No child under the age of sixteen years shall be employed, permitted, or suffered to work in any capacity: (1) in, about, or in connection with any processes in which dangerous or poisonous acids are used; (2) nor in the manufacture or packing of paints, colors white or red lead; (3) nor in soldering (4) nor in occupations causing dust in injurious quantities; (5) nor in the manufacture or use of poisonous dyes; (6) nor in the manufacture or preparation of compositions with dangerous or poisonous gasses; (7) nor in the manufacture or use of compositions of lye in which the quantity there is injurious to health; (8) nor on scaffolding; (9) nor in heavy work in the building trades; (10) nor in any tunnel or excavation; (11) nor in, about, or in connection with any mine coke breaker, coke oven, or quarry; (12) or in assorting, manufacturing or packing tobacco; (13) nor to operate any automobile, motor car or truck; (14) nor to work in any bowling alley; (15) nor shall any child under the age of sixteen years be employed upon the stage of any theater or concert hall, or in connection with any theatrical performance or other exhibition or show, except that children fourteen years of age may be employed as ushers in theaters or concert halls in accordance with the provisions of sections 2 and 7 of this act; (16) nor in any place or occupation which the State Board of Health may declare dangerous to life or limb or in-

jurious to the health or morals of children under sixteen years of age. The State Board of Health shall have authority to declare any place or occupation dangerous to life or limb or injurious to health or morals of children under sixteen years of age.

Section 7. It shall be unlawful for any firm, person, or corporation to employ permit, or suffer any child under sixteen years of age to work in any gainful occupation, except agriculture or domestic service, unless such person, firm or corporation keeps on file for the inspection of the officials charged with the enforcement for every such child; and unless such person, firm, or corporation keeps on file for the inspection of the officials charged with the enforcement of this act, a complete list of all such children employed therein. The inspector charged with the enforcement of this act may make demand on any employed in whose establishment a child, apparently under sixteen years of age, is employed or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall furnish such official evidence satisfactory to him that such child is, in fact, sixteen years of age or over, or shall cease to employ or permit or suffer such child to work therein. Such official may require from such employer the same evidence of age of such child as is required for the issuance of any employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of age of the child. In any case such employer shall fail to produce and deliver to such official such evidence of age thereby required of him, and thereafter continue to employ such child or permit or suffer such child to work in such establishment, proof of the failure to produce and file such evidence shall prima facie evidence in prosecution that such child is under sixteen years of age, and unlawfully employed. Any official charged with the enforcement of this act may cancel any employment certificate found to be illegally or improperly issued. When any such employment certificate is cancelled, the employer of the child, for whom the employment certificate is issued, shall be notified. It shall be unlawful to employ any such child after notice that the certificate for such child has been cancelled, provided that such child may be employed after a new employment cer-

tificate, regularly issued as provided for by law, shall have been granted to him.

Section 8. No child under fourteen years of age shall be employed, permitted, or suffered to work in any employment or service during the hours when the public schools of the district in which the child resides is in session.

Section 9. It shall be the duty of the superintendent, or principal of schools in cities or towns to issue employment certificates or to authorize a person in writing to issue such certificate acting in his name. When there is no superintendent or principal of schools, said certificates shall be issued by the county superintendent of education or by a person authorized by him in writing. Such certificates shall be issued in duplicate, and a copy of each certificate issued during the month preceding, shall be transmitted to the state inspector, together with the report as hereinafter provided for.

Section 10. The person authorized to issue employment certificates shall not issue such certificates unless the child accompanied by his parent or guardian, or person standing in parental relation thereto, has personally made application to him therefor, and until he has received, examined approved and filed the following papers duly executed: (1) a written statement of the person, firm or corporation into whose service the child is about to enter that he intends to employ the child, which statement shall give the nature of the occupation for which the child is to be employed; (2) a school record signed by the principal or the teacher of the school last attended by said child stating that such child has completed the elementary course of study of the fourth grade of the public school or its equivalent, or has attended school at least 120 days of the year immediately preceding the date on which the certificate is issued. On and after September 1, 1921, a school record showing the completion of the 4th grade or its equivalent, only shall be accepted, said certificate shall state the age and date of birth of said child, as shown on the records of the school, and the name and address of the parent, guardian, or custodian; provided, that such evidence of school attendance outside of the state of Alabama may be accepted at the discretion of the officer issuing the certificate; in case

such school record cannot be obtained, then the officer issuing the employment certificate shall examine such child to determine whether he can meet the educational standard specified and shall file in his office a statement setting forth the result of such examination; (3) one of the following evidences of age, showing the child to be fourteen years of age or over, to be required in the order herein designated: (a) duly attested transcript of the birth record of said child, filed according to law, with any officer charged with the duty of recording births; (b) or a duly attested transcript of certificate of baptism showing the date of birth and a place of baptism of such child; (c) or a life insurance policy which much have been in force for at least one year; (d) a bona fide contemporary Bible record of birth; (e) or a passport, or certificate of arrival in the United States showing the age of the child; (f) or in case the officer authorized to issue such certificate is satisfied that none of the above proofs of age can be produced, other evidence of the age, as an affidavit of age sworn to by the parent, guardian, or custodian of such child, accompanied by a certificate of physical age of such child, signed by a public health or public school physician, provided, that a school record or parent's, guardian's or custodian's affidavit, certificate, or other written statement of age alone shall not be accepted; (4) a statement duly dated and signed by a public school physician, or by a regularly licensed physician in good standing in the community where he resides, showing that he has personally examined such child, and that in his opinion the child is fourteen years of age or over, is of good physical development for a child of his age, is of sound health, and is physically qualified to perform the work at which he is to be employed; provided that the officer issuing employment certificates shall have authority and is hereby employed to issue a Vacation Employment Certificate to children fourteen years of age and over without requiring a statement that the child has completed the fourth grade of the elementary course of study, or its equivalent, as hereinbefore provided; provided further, that the officer issuing employment certificates shall have authority and is hereby empowered to issue a Special Employment Certificates to any boy twelve years of age or over to work in business offices and mer-

cantile establishments, except soft drink and ice cream establishment, restaurant or cafes, during the summer vacation when the public schools in the city or town in which the child resides are not in session; without requiring that the child has completed any grade. Such vacation and special employment certificates shall be different in form and color from the regular employment certificate and shall be valid only during the time when the public school in the city or town in which the child resides, is not in session. Every vacation and special employment certificate shall become null and void on the date the public schools open for the regular session. The superintendent of schools in any city, town, or district, wherever there is one, and where there is none, the county superintendent of education, shall between the first and tenth day of each month transmit to the office of the State Prison Inspector hereinafter mentioned, or the director of the Child welfare Department when the same shall have been established a report, which report shall give the name of each child to whom certificate has been granted or denied during the preceding month, together with the ground for such denial. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting the same to such state official shall constitute a misdemeanor punishable by a fine of not less than five dollars nor more than twenty-five dollars.

Section 11. The employment certificate shall state the full name, place and date of birth of such child with the name and address of the parent, guardian, or persons sustaining the parental relationship to such child, and shall contain a statement signed by the issuing officer that the child has personally appeared before him and that satisfactory evidence has been submitted that such child is fourteen years of age or over. The printed form of the certificate and the other papers required in the issuing of the employment certificate shall be drafted by the state inspector hereinafter mentioned and furnished by him to the local and county superintendents of education.

Section 12. On the termination of the employment of a child under the age of sixteen years, the employment certificate shall be returned by the employer holding the same to the school authority by whom it was issued within

ten days after the termination of the employment. Every employment certificate so returned shall be cancelled by the officer who issued the certificate and transmitted to the state inspector with the next succeeding monthly report as hereinbefore provided for.

Section 13. No boy under twelve years of age and no girl under eighteen years of age shall distribute, sell expose, or offer for sale, newspapers, magazines, periodicals, handbills, or circulars, or be employed or permitted or suffered to work in any other trade or occupation performed in any street or public place; provided, however, that boys ten years of age or over may engage in the distribution of newspapers and periodicals on fixed routes in the resident districts of towns or cities and provided further that boys twelve years of age or over may engage in the occupation of bootblacks. No boy under sixteen years of age shall engage in any such street occupation above mentioned after eight o'clock at night or before five o'clock in the morning of any day; unless he has secured and wears in plain sight a badge as herein provided. Such badges shall be issued by the superintendent of schools, or some person designated by him in writing, and shall be granted only after the child has applied to him personally accompanied by his parent, guardian, or custodian, and has submitted satisfactory proof that he is twelve years of age or over, or if engaged only in distributing papers or periodicals on fixed routes in the resident districts, ten years of age or over, and is a regular attendant of a school. Such badge shall be renewed annually on the first day of January and shall not be transferrable, and the form, design or color shall be changed annually. A deposit of not more than fifty cents may be required by the person issuing the badge to be returned upon the surrender of the same, and if lost the badge may be replaced upon the payment of twenty-five cents. Such badges shall be provided by the state inspector and paid for out of any monies in the state treasury not otherwise appropriated and shall be distributed by said inspector to the superintendent of schools on or before January the first of each year. Any child who shall engage in any such street occupations in violation of the provisions of this section shall be deemed delinquent and brought before any court or magistrate having jurisdic-

tion over juvenile delinquents and shall be dealt with according to law. The official charged with the enforcement of this act shall have authority and is hereby empowered to investigate each case where he believes that the child holding a badge is not entitled to its possession, and if he is satisfied through misrepresentation or fraud, such official shall have authority to revoke the badge and return it to the official who issued it. Use of a badge shall be revoked or suspended in case the child's school record is not satisfactory to the principal of the school which he attends, by either the officer who issued the badge or by any official charged with the enforcement of this act. Any person who sells or offers for sale, any article of any description to a boy under sixteen years of age to be used for the purpose of sale or barter upon the streets or in any public place, shall first ascertain that such boy wears his own badge in plain sight as herein provided, and if said boy has no badge, no article shall be sold to him. Any person violating this provision shall be fined not less than one and not more than fifty dollars. Police officers, and other peace officer, and truant officers shall enforce the provisions of this section.

Section 14. It shall be the duty of the State Prison Inspector or the Director of the Child Welfare Department when the same shall have been established and his authorized assistants to inspect as frequently as possible all establishments wherein minors subject to the provisions of this act, are, or may be employed or permitted to work and to enforce the provisions of this act. For the purpose of administering this act, & any other laws relating to the employment of minors, the State Prison Inspector or the Director of the Child Welfare Department when the same shall have been established may be designated the State Child Labor Inspector and his deputies inspectors may, in the performance of their duties in enforcing the provisions of this act, be known as deputy child labor inspectors. It shall be the duty of the inspector to institute prosecution for the violation of any of the provisions of this act. It shall be the duty of every school attendance officer and probation officer to report to the State Child Labor Inspector any and all violations of this act coming to his knowledge. Such school attendance officer and probation officers shall have the

same right of access to establishments where minors are or may be employed or detained and of inspection of such establishments as is given by law to child labor inspectors, provided that a report of every such entry and inspection of said establishments shall be made to the state child labor inspector. Such school attendance officers and probation officers, when authorized by the state child labor inspector, shall have the same authority to institute prosecutions as is given by law to the state child labor inspector or deputy child labor inspector.

Section 15. Every person, firm or corporation, owning or controlling any establishment wherein minors are employed, subject to the provisions of this act, shall keep such establishment in a sanitary condition, and properly ventilated, and shall provide suitable and convenient water closets or privies, separate for each sex, and in such number and located in such place or places, as may be required by the inspector; and when twenty or more persons are employed, sanitary drinking fountains shall be provided in such number as the inspector may deem necessary. All water closets shall be maintained inside such establishments except, where in the opinion of the inspector, it is impracticable. In all such establishments, there shall be separate water closets or privy compartments for females, to be used by them exclusively, and notice to that effect shall be painted on the outside of such compartments. The entrance to every water closet or privy in such establishment, shall be effectively screened by a partition or vestibule. In every such establishment a printed copy of this act shall be kept conspicuously posted in every room in which minor persons work. It shall be the duty of every inspector to inspect thoroughly every such establishment, to issue a written order for the correction of insanitary or unhealthful conditions in such establishments, and to compel compliance with such orders as herein provided.

Section 16. The Inspector shall have free access at any time to any establishment where minors are, or may be employed or detained, and any person who, refuses to allow the inspector to have free access to any such establishment and every part thereof, or who hinders or obstructs him in his inspection, or who makes any false statement to the inspector about the establishment, its

operation or condition, or about any person working or detained therein, or who refuses to comply with any order issued under authority of section 15 of this act, shall be guilty of a misdemeanor and shall be fined not less than fifty nor more than one hundred dollars, and on subsequent conviction, shall be fined not less than two hundred dollars. It shall be the duty of the inspector to remove from any establishment any child found employed, working or detained therein contrary to the law, and to remove therefrom any child who is afflicted with any infectious, contagious, or communicable disease, or whose physical condition is such that it makes it hazardous to a child to prosecute such work.

Section 17. Any person, firm, or corporation who violates any of the provisions of this act, or who permits any child to be employed or to work in or about or be detained in, or be in or about any establishment, contrary to law, or who fails or refuses to obey within a reasonable time any lawful orders or directions given by the state officials charged with the enforcement of this act and any parent guardian, or custodian under whose care or control a child under sixteen years of age is, who suffers or permits such child to work in violation of any of the provisions of this act unless a special penalty is herein otherwise provided, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and upon second or subsequent conviction of any violation of any of the provisions of this act, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars.

Section 18. Any person who makes a false affidavit when an affidavit is required, under this act is guilty of a misdemeanor and shall upon conviction, be punished by a fine of not less than five dollars nor more than twenty dollars, and for a second or subsequent conviction shall be imprisoned not more than ninety days.

Section 19. The State Prison Inspector or the Director of the Child Welfare Department when the same shall have been established, and his deputies, when traveling in the performance of their duties herein prescribed, shall be reimbursed their actual traveling expenses, when

approved by the state child labor inspector and by the governor to be paid on the warrant of the state auditor.

Section 20. The word "inspector" is used herein to designate or mean the State Prison Inspector or the Director of the child Welfare Department when the same shall have been established, or his duly authorized deputies, such deputies being hereby clothed with the same duties and authority with which the State Prison Inspector or Director of the child Welfare Department when the same shall have been established is now or may hereafter be clothed. In the enforcement of the provisions of this act, the State Prison Inspector or Director of the child Welfare Department when the same shall have been established and his authorized deputies are hereby vested with the same authority as deputy sheriff's in each and every county in the State.

Section 21. All laws and parts of laws in conflict with this act are hereby repealed.

Section 22. If any section of this act shall be held unconstitutional, in whole or in part the fact shall not effect any other section of this act, being the intention of the legislature in enacting this act to enact each section separately.

Approved September 30, 1919.

No. 208.)

(H. 393—Smith of Crenshaw.

AN ACT

To provide for the branding and labeling of new and renovated mattresses and comforts, and to provide against the use of unsanitary, unhealthy, old or second-hand material in the manufacture of mattresses and comforts, and to provide against the sale of mattresses or comforts containing such unsanitary, unhealthy, old or second-hand material.

Section 1. *Be it enacted by the Legislature of the State of Alabama*, That no person shall, within the State, manufacture for sale; knowingly, offer for sale, sell, deliver or have in his possession, with intent to sell or de-

liver, any mattress or comfort which is misbranded or mislabeled within the meaning of this act.

Sec. 2. Mattresses and comforts shall be branded, or labeled, as hereinafter provided, before being exposed for sale, and shall not be exposed without such brand or label.

Sec. 3. The Brand or label required by the next preceding section shall contain in plain English lettering a statement of the materials used in the manufacture of such mattresses or comforts, giving the total weight and the percentage of each material used in all cotton, felt, wool, kapock, silk floss, floss and hair mattresses. Percentage of each material used must be given on other mattresses. Such brand or label shall be placed upon each mattress or comfort.

Sec. 4. Such label shall be in the form of cloth or clothlined tag, to be sewed or otherwise securely attached to each article and placed securely upon the bale, box or crate in which such mattresses are packed, shipped or exposed for sale.

Sec. 5. Such brand or label shall be placed outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

Sec. 6. When any mattress is renovated by any manufacturer for a customer, the manufacturer so renovating shall detach the original label hereinabove provided for, if the same is still attached to the mattress, and before delivering said mattress to said customer, he shall reattach the original label in the same manner, and in addition thereto he shall attach a label, made and attached in the same way as is hereinabove provided for, which label shall show in plain English lettering the word "Renovated," and marked "second-hand filler," together with the name of the manufacturer renovating, the name of the customer for whom renovated and the date of renovation.

Sec. 7. A person dealing in mattresses or comforts as described in this act shall not have them in possession for the purpose of sale or offer them for sale, without the brand or label thereon.

Sec. 8. No person within this State, shall use, either in whole or in part, in the manufacture of mattresses or

comforts, any cotton, or other materials, which has been used for any purpose whatever.

Sec. 9. A mattress or comfort within the meaning of this act shall include any quilted bed or pad, tufted or not tufted, stitched or otherwise finished bed or pad, stuffed with excelsior, cotton, jute, hair husks, sea moss, bamboo, wool, fibre, floss, kapock, felted cotton, felt, shoddy, African fibre, Louisiana tree moss, or other material used for this purpose, sterilized feathers excepted.

Sec. 10. If labeled felt or felted cotton it is understood that the cotton or material has all been carded in layers or sheets by a Garnett or cotton felting machine.

Sec. 11. A person who sells, offers for sale, gives away, manufactures or causes to be manufactured with intent to sell, any mattresses or comforts which are not branded or labeled pursuant to the provisions of this act, or who falsely brands or labels any mattresses or comforts, or who knowingly fails or neglects to state the true and actual quality and quantity of the materials used in any mattress or comfort, shall upon conviction thereof be fined not less than twenty-five (\$25.00) dollars, nor more than five hundred (\$500.00) dollars, or imprisonment in the county jail not more than six (6) months, or both.

Sec. 12. When any peace officer or health officer has reason to believe that any of the provisions of the act is being violated, he shall fully advise the circuit solicitor of the county, and said solicitor shall without delay proceed to enforce this act.

Approved August 9, 1915.

STATUTES RELATING TO THE ALABAMA INSANE HOSPITALS

For the Information of the Physicians of the State the Following Sections of the Code Are Here Copied

Institutions used solely for insane patients.

853. The insane hospitals shall be maintained and used solely for the care, treatment, and custody of such patients as have been committed to them as insane by a proper court. No other class of patients shall be admitted.

Insanity defined, rendering patient eligible for admission.

854. A person shall be adjudged "insane," who has been found by a proper court sufficiently deficient or defective mentally, to require that, for his own or others' welfare, he (or she) be removed to the insane hospital for the restraint, care, and treatment. Whether the person's mental abnormality is sufficiently grave to warrant such a procedure is always the question to be decided by the court.

Supt. may decline to receive, or may exchange, patients.

855. When the insane hospitals are crowded, the superintendent, when he can make room for them, is authorized to limit his acceptance of applications for admission to those patients who are offensively troublesome, vicious, or a menace to the peace, comfort, or safety of others, or dangerous to their own welfare, and to decline those who are harmless or helpless. He may arrange with the probate judges to exchange harmless patients in the hospital for those who are dangerous.

Certificate necessary for admission.

856. Application in advance shall always be made by the court, to know whether there is room in the hospitals for the class of patient to be committed,—giving answers to the prescribed interrogatories describing the case,—and no patient shall be received into the hospital, who is not presented with a certificate from a proper court committing him (or her) to the institution.

Method of procedure in committing patient.

857. When a relative, friend, or other party interested desires to place a person as a patient in one of the insane hospitals, he shall apply to the judge of probate of the county in which the person resides, and the judge of probate, without delay, shall investigate the case, by examining witnesses, or not, as he sees fit, and if he is reason-

ably convinced that the case is a suitable one, he shall make application to the superintendent at Tuscaloosa for his, or her admission, and shall accompany his application with as full and explicit answers as possible to the following interrogatories, describing the case: 1. What is the person's name in full? Weight? Age? Sex? Post-office? Occupation? Single or married? Race? Color? Where born Names and addresses of correspondents? 2. How long has the person's mental abnormality existed? 3. Has the person epileptic convulsions? 4. Can his (or her) impaired mental condition be attributed to the injurious use of alcohol? or opiates? or tobacco? or any other drug? 5. Did the present condition begin suddenly? or come on gradually? 6. Has the person ever exhibited conditions of mental abnormality of any grade before this? 7. Has the person, because of mental deficiency or defectiveness, ever been confined in a poor-house? or jail? Where was the person ever a patient in an insane hospital? When? 8. Is the person hard to control? What means of restraint have been used? 9. How does the person's insanity exhibit itself? What wrong ideas does he hold? 10. In what way is he (or she) troublesome or dangerous? Is he indecent in his talk, or habits? How is he (or she) uncleanly? How has he attempted to destroy property? How well does he attend to work? or to business? 11. What is the alleged cause of his insanity? 12. What near relatives of the patient have been wrong mentally? 13. Is the person deaf? dumb? blind? lame? maimed? paralyzed? or helpless? 14. How is he (or she) sick or diseased, otherwise than mentally so? How much confined in bed? 15. Will the person be an indigent, or a paying patient?

858. On receipt of the application of the judge of probate and the answers to the foregoing interrogatories describing the case, the superintendent shall promptly forward a reply, stating whether there is room in the hospital for a patient of that class, and to which hospital he (or she) shall be sent.

859. When informed by the superintendent that the person can be received as a patient, the judge of probate shall examine witnesses, at least one of whom shall be a physician, and fully investigate the facts of the case, either with or without a jury, and either with or without

Reply to application for admission.

Certificate of admission.

the presence in court of the person, the grade of whose mental disqualification is under investigation, according to his discretion; and if the judge, or the jury, as the case may be, believe the person is sufficiently defective mentally to be sent as a patient to a hospital for insane persons, the judge of probate shall make two copies of a certificate of mental disqualification, one copy of which shall be filed in his office and the other he shall send with the patient to the hospital, which certificate shall read substantially as follows:

I, A. B., judge of probate of the county of _____, and the State of Alabama, do hereby certify that it having been alleged to me that C. D., a resident of said county, is insane, and that his (or her) own and the public welfare demand that he (or she) be sent to the hospital for insane persons for custody and treatment, pursuant to the statute provided in such cases, I have called before me the following credible witnesses (giving their names) and Dr. _____, a reputable physician, practicing medicine in the State, and having examined them under oath, and otherwise fully investigated the facts of the case, with the said C. D. present in the court (or not, as the case may be), I do hereby certify that sufficient proof has been adduced before me (or the jury) to satisfactorily show that the said C. D. is so defective mentally that he (or she) ought to be committed to the hospital for insane persons for safe-keeping and treatment.

I further certify that satisfactory proof has been adduced before me (or the jury) that the said C. D. has (or has not) sufficient means to pay his (or her) expenses in the hospital.

I therefore issue this certificate of mental disqualification and commit him (or her) to the _____ hospital at _____, according to instructions received from the superintendent, as an indigent (or paying) patient.

Given under my hand at _____, in the county and State aforesaid, this _____ day of _____, in the year _____.

A. B., Judge of Probate.

860. The judge of probate shall depute one or more persons, relatives, friends, or officers, as he may see fit, to convey the patient to the hospital, and all necessary expenses incurred in conveying an indigent patient to the hospital shall be paid out of the county treasury on order from the county commissioners.

Conveying
patient to
hospital.

861. At the same time that the judge, or the jury, investigates the degree of mental defectiveness of the person, if adjudged insane, the judge (or jury) shall also examine witnesses under oath as to his (or her) financial standing, and if he (or she) has not sufficient means to pay for his (or her) support in the hospital, the judge shall so state in the certificate, and the expenses of the patient shall be paid by the State in the manner herein-after described.

Expenses of
patient; when
paid by him-
self, and when
by state.

862. If, however, it appears that the patient in his (or her) own name has the means, or, if a minor, that his (or her) guardian or parents have the means; or if his (or her) relatives or friends agree to provide the means for his (or her) support in the hospital, the judge of probate shall state in the certificate that he (or she) will be a paying patient, and the judge of probate shall contract with responsible parties for the payment quarterly in advance of the amount charged under the direction of the board of trustees for such patients, and to that effect shall cause a bond with sufficient surety to be made, which bond shall be approved by the judge of probate. One copy of said bond shall be filed in the office of the probate judge, and another sent with the patient to the hospital, and shall read substantially as follows:

Bond for pay-
ment of
expenses of
patient.

KNOW ALL MEN BY THESE PRESENTS, That we, _____, and _____ of the county of _____, in the State of Alabama, are firmly held and bound unto the Trustees of The Insane Hospitals of Alabama in the sum of three hundred dollars for the payment of which we hereunto bind ourselves jointly and severally. Sealed with our seals and dated this _____ day of _____, A. D. 191_____.

The conditions of the above obligation are as follows:

Whereas, C. D., of the county of _____, in the State of Alabama, is about to be admitted as a paying patient into the _____ hospital at _____,

Alabama, now if while he (or she) shall remain therein, the undersigned shall constantly supply him with suitable clothing and pay all charges of said hospital against him quarterly in advance; and whenever his removal shall be required, immediately remove him; and if he shall escape from said hospital, pay all reasonable expenses incurred in returning him; and if he die therein, pay all reasonable expenses incurred for his funeral; and in case of failure to perform promptly any of the above conditions, pay all expenses that accrue to said hospital by litigation, collector's fees, or otherwise, then this obligation shall be void; otherwise, it shall remain in full force.

Witness our hands and seals, this day of A. D. 191.....

E. F., (Seal.)

G. G., (Seal.)

I hereby certify that in my opinion the obligors in the above bond have executed the same in good faith, and that the amount of the penalty specified therein can be recovered from them by due process of law.

In witness whereof, I have hereunto set my hand, at this day of A. D., 191

A. B., Judge of Probate of.....County,
and State of Alabama.

Financial
standing of
patient.

863. The judge of probate of each county, if his attention is drawn to it, shall investigate the financial standing of any indigent patient in the insane hospital, and, if he finds him (or her) able to pay for his (or her) support, shall contract with responsible parties under the proper bond for the support of the patient. The superintendent can grant that the quarterly amount, for the support of a paying patient, can be divided into three payments; one on the first of each month, in advance.

New bond;
expenses of
patient.

864. A judge of probate upon having his attention drawn to it by any party interested, under the penalty of having the patient returned to his (or her) home at the county's expense, shall investigate and cause a new bond to be executed, if the present one securing the support of a paying patient from his county has become insufficient.

Indigent and
paying
patients;
transfer of.

865. A judge of probate can transfer a paying patient who has become indigent to the indigent class; he shall, however, notify the superintendent at once, and shall not

discharge the bondsmen until after he has learned from the superintendent that all of their obligations to the hospital have been satisfied to the end of the current quarter.

866. The superintendent is authorized to expend, in the way requested, any funds he may receive from any source for extra attention, nursing, board, clothing or delicacies, etc., for an indigent, or paying, patient, provided in his opinion it does not interfere with the good of the patient, the discipline of the hospital, or the welfare of the other patients.

Funds of patients, how expended by superintendent.

867. When a patient has been restored to a normal, or comparatively safe and good, mental condition sufficiently long to warrant the opinion on the part of the superintendent that he (or she) ought to be returned to his (or her) home, or set at large again, the superintendent shall inform the friends or relatives of the patient's recovery, and if they do not furnish the money to pay the traveling expenses, he shall notify the judge of probate of the county whence the patient came, and the commissioners of said county shall pay out of the county treasury the necessary traveling expenses for the return of the patient to his home in that county.

Return of patients to their homes ; expenses of same.

868. When in the opinion of the physicians of the hospital, patients are permanently restored to a normal, mental condition they shall be allowed to leave the hospital, and be marked in the records as "discharged." When, in the opinion of the physicians, there is some question as to whether the recovery of patients will prove permanent, but they are sufficiently restored for their friends, relatives or others to properly and safely remove them, they can be allowed to go "on trial," and shall be so marked in the records. Patients "on trial," can be returned, if necessary, any time within six months, without additional committing papers. If they stay away from the hospital over six months, they shall be marked "discharged" in the record. No "discharged" patient can be returned without the same legal process, as if they had never been patients in the hospital.

Procedure for discharging patients.

869. When a patient is brought to The Bryce Hospital, without the proper committing certificate from the judge of probate of the county in which he (or she) resides, the judge of probate of Tuscaloosa county, if he be properly informed that the patient can be received into the

Probate judge of Tuscaloosa county may issue certificate in certain cases.

hospital, shall examine said patient, and if insane, give the proper certificate; and he shall notify the judge of probate of the county whence the patient came of the facts in the case; which judge, if the person is a paying patient, shall cause the proper bond to be made.

Justice of the peace, may issue certificates to patients at Mt. Vernon.

870. In the case of a patient who is taken to the hospital at Mt. Vernon without proper commitment papers from the judge of probate of the county in which he (or she) resides, any justice of the peace convenient to the hospital, on notice from the physician in charge that the patient can be receiver, shall examine said patient after the manner prescribed for judges of probate, and if he finds him (or her) insane, shall issue a certificate in the prescribed form and commit said patient to the hospital; at the same time he shall notify the judge of probate of the county whence the patient came of the facts of the case.

Convicts; how committed when insane.

871. In case any person sentenced to, or imprisoned in, the penitentiary, or sentenced to, or confined at, hard labor for a county anywhere in the State becomes insane, the physician in attendance on said convict shall report the fact to the Governor, who shall appoint three suitable persons, one of whom is the said physician, who shall examine said convict, and report the result of their examination to the Governor; if said convict is declared to be insane and fit to be sent to the hospital for insane persons, the Governor shall direct the proper officer to apply to the superintendent, at Tuscaloosa, for the admission of the insane convict into the hospital, describing the case according to the same interrogatories prescribed for judges of probate, and, when notified by the superintendent that the insane convict can be received, and to which hospital he shall be taken, the said officer shall send him (or her) at the expense of the State to said hospital, with a copy of the order of the Governor. The same compensation shall be allowed to sheriffs, or guards, for conveying insane convicts to and from the hospital as is allowed for carrying prisoners to the penitentiary.

Criminals, when and how committed to hospital.

872. No criminal, or person indicted for crime, in the State who has been declared insane must be sent to an insane hospital until the sheriff, or other officer, having legal custody of said patient shall have forwarded to the superintendent a written application and a description of

the case according to the form prescribed for judges of probate, together with a certified copy of the order of the court, or of the judgment under the authority of which the committal is made, and shall have received information in reply that the patient can be received, and to which hospital he (or she) shall be sent.

873. When any insane convict is carried to the hospital, instructions shall always be given to whom his (or her) recovery shall be reported. When any convict, who is a patient in the insane hospital, has recovered, the superintendent shall notify the proper officer of the fact, who shall immediately remove said patient.

Insane convicts; report of recovery.

No. 522.)

(S. 528—Griffith.

AN ACT

To authorize the Governor to provide a suitable site for the establishment of a sanatorium for the use of the Alabama Sanatorium for Consumption and Tuberculosis conditioned upon the sale of the present site for such use located in Cullman County, Alabama, and consisting of about four hundred and sixty (460) acres, heretofore acquired under the authority of Section 777 of the Political Code of Alabama; also to authorize the Governor to sell and convey the said land heretofore acquired for such site, and out of the proceeds of such sale to purchase a suitable site for such sanatorium; provided that the sanatorium to be acquired may be located and established, with the Governor's approval, on any lands suitable for such purpose, now owned by the State, and if so located and established on such lands now owned by the State, then the proceeds of such sale to be covered into the general funds of the treasury.

Be it enacted by the Legislature of Alabama:

Section 1. The Governor is hereby authorized to provide a suitable site for the establishment of a sanatorium for the use of the Alabama Sanatorium for consumption and Tuberculosis, conditioned upon the sale of the present site for such use in Cullman County, Alabama, consisting of about four hundred and sixty (460) acres here-

tofore acquired under the authority of Section 777 of the Political Code of Alabama and more particularly described as follows, namely: The S. E. $\frac{1}{4}$ & S. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ Sec. 34, Tp. 9 R. 3 W. & N. E. $\frac{1}{4}$ & N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of Sec. 3, Tp. 10 R. 3 W, and W $\frac{1}{2}$ of S. W. $\frac{1}{4}$ of Sec. 35 Tp. 9 R. 3 W, in all 460 acres, more or less; provided that such sanitorium may be located and established with the Governor's approval on any lands suitable for such use now owned by the State, and if so located and established on any lands now owned by the State, the proceeds of the sale of the present site of such sanitorium shall be covered into the general funds of the treasury.

Section 2. The deed of conveyance to the purchaser of the lands hereinabove authorized to be sold and conveyed by the Governor shall be executed by the Governor in the name and on behalf of the State of Alabama, and the Governor may sell said lands at either a private or public sale upon and after due notice of intention to make such sale, published once a week for three consecutive weeks in some daily newspaper of general circulation in each of the cities of Mobile, Montgomery and Birmingham, and such sale may be for all cash or on such terms and conditions as may be determined by the Governor; deferred payments to be secured by mortgage or vendor's lien at the discretion of the Governor.

Section 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved Sept. 30, 1919.

No. 556.)

(S. 749—Acker.

AN ACT

To provide for the purchase or condemnation of a site and the erection of a building thereon for a pasteur institute and laboratory and the purchase of necessary or proper equipment therefor and to make appropriation for such purposes.

Be it enacted by the Legislature of Alabama:

Section 1. The Governor is hereby empowered and directed to purchase a suitable and desirable site in the City of Montgomery, Alabama, for the purpose of erect-

ing thereon a suitable building to be used as a State laboratory and Pasteur Institute, taking title to the site acquired in the name of the State. If a desirable site may not in the opinion of the Governor, be purchased at a reasonable price, he shall direct the Attorney General to institute condemnation proceedings for and on behalf of the State to condemn the site desired.

Section 2. When directed by the Governor the Attorney General shall apply in the name of the State of Alabama to the Probate Court of Montgomery County for an order condemning to the use of the State in perpetuity such land desired. The application need not be cerified by oath but must in all other respects take the same course under the statutes that other applications for condemnation of lands for public use now take.

Section 3. When a site shall have been acquired by the State as provided herein, it shall be the duty of the Chairman of the State Board of Control and Economy to have prepared by some competent architect plans and specifications for a building suitable for the purposes and needs of a State laboratory and Pasteur Institute, to be approved by the Governor, and shall advertise once a week for three consecutive weeks in some newspaper of general circulation in Montgomery, Mobile and Birmingham for bids to erect said building in accordance with said plans and specifications. Upon opening of said bids, the Governor is authorized to enter into a contract, in the name of the State, with such of the bidders as he may deem best, or he shall be empowered to reject any and all bids if he deem advisable.

Section 4. The State Health Officer is authorized and required to select and purchase such scientific apparatuses or paraphernalia as may be necessary or proper to equip said laboratory and Pasteur Institute in an up-to-date and first-class manner, having regard to the purposes, uses and size thereof.

Section 5. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of Fifteen Thousand Dollars, or so much thereof as may be needed for the uses and purposes of this Act, and which shall be paid out upon warrant of the Auditor drawn as and when directed by the Governor.

Approved September 30, 1919.

SECTIONS FROM AN ACT TO REQUIRE LICENSING AND MUZZLING OF DOGS, ETC.

No. 728.)

(H. 281.)

Approved September 30, 1919.

Section 13. That persons who have been bitten by mad dogs and who furnish satisfactory proof of same to the Circuit Clerk of the county, in which such persons were so bitten, may also, upon furnishing to said Circuit Clerk good and sufficient proof that such person or persons is not financially able to pay his, or her, expenses for treatment at the Pasteur Institute of this State, at Montgomery, may have his, or her, expenses paid to and from Montgomery, likewise their expenses while under treatment at the said Institute, payable out of the dog tax fund by the State Treasurer upon the certificate of said Circuit Clerk upon warrant drawn by the State Auditor.

Section 16. That if it be found that the fund arising from this Act, for any one year, shall be insufficient to pay the expenses, incident to the execution of this law and then to pay the whole amount of the expenses of poor persons, who have been bitten by mad dogs, in attending the Pasteur Institute for treatment, and of damages inflicted by dogs on sheep, lambs, or other live stock and poultry in any county in which damages occurs, each sufferer shall be paid out of the said fund in proportion to the loss sustained.

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